

HOUSE BILL NO. 115

INTRODUCED BY J. DOOLING

BY REQUEST OF THE DEPARTMENT OF JUSTICE

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5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING MOTOR VEHICLE LAWS; PROVIDING
6 AND CONSOLIDATING RULEMAKING AUTHORITY; ALLOWING FOR ELECTRONIC DRIVER
7 REHABILITATION PROGRAMS; REMOVING THE REQUIREMENT FOR VEHICLE TITLES TO BE
8 NOTARIZED; REQUIRING CERTAIN TRAILER, SEMITRAILER, POLE TRAILER, MOTORCYCLE, AND
9 QUADRICYCLE REGISTRATION FEES TO BE PAID ANNUALLY; PROVIDING AND REVISING DEFINITIONS;
10 REQUIRING A RESIDENCE ADDRESS FOR REAL ID-COMPLIANT DRIVER'S LICENSE; ALLOWING
11 SELF-CERTIFICATION FOR VISION AND MEDICAL REQUIREMENTS FOR ONLINE OR MAIL DRIVER'S
12 LICENSE RENEWALS; AUTHORIZING THE DEPARTMENT OF JUSTICE TO SEND ELECTRONIC RENEWAL
13 NOTICES; AUTHORIZING THE DEPARTMENT OF JUSTICE TO PROVIDE AND CHARGE FEES FOR
14 EXPEDITED DELIVERY SERVICE; ALLOWING THE DEPARTMENT OF JUSTICE TO WAIVE THE
15 KNOWLEDGE TEST FOR MILITARY COMMERCIAL VEHICLE EXPERIENCE; REMOVING THE
16 REQUIREMENT TO RETURN A SURRENDERED LICENSE AT THE END OF THE SUSPENSION PERIOD;
17 REVISING REQUIREMENTS FOR PROOF OF FINANCIAL RESPONSIBILITY FOR A PERSON WHOSE
18 LICENSE OR PRIVILEGE TO DRIVE IS REVOKED; REVISING EXEMPTIONS TO MOTOR VEHICLE
19 INSURANCE REQUIREMENTS; ALLOWING PERMANENT REVOCATION OF A COMMERCIAL DRIVER'S
20 LICENSE FOR A COMMISSION OF FELONY OF USE OF A COMMERCIAL MOTOR VEHICLE FOR SEVERE
21 FORMS OF TRAFFICKING OF PERSONS; PROHIBITING DISCLOSURE OF SOCIAL SECURITY NUMBERS
22 WITH EXCEPTIONS; AUTHORIZING THE DEPARTMENT OF JUSTICE TO ISSUE CERTAIN
23 PHOTOGRAPH-EXEMPT IDENTIFICATION CARDS; AMENDING SECTIONS 15-15-201, 61-2-302, 61-3-218,
24 61-3-220, 61-3-224, 61-3-303, 61-3-312, 61-3-316, 61-3-321, 61-3-332, 61-3-411, 61-3-414, 61-3-415, 61-3-423,
25 61-3-474, 61-3-535, 61-4-203, 61-5-111, 61-5-112, 61-5-118, 61-5-123, 61-5-209, 61-5-232, 61-6-131, 61-6-157,
26 61-6-301, 61-6-303, 61-11-102, 61-11-105, 61-11-203, 61-11-503, 61-12-502, AND 61-13-103, MCA;
27 REPEALING SECTIONS 61-3-315, 61-3-506, 61-4-532, 61-5-125, 61-6-132, 61-6-137, 61-6-138, 61-6-140,
28 61-6-142, AND 61-11-516, MCA; AND PROVIDING DELAYED EFFECTIVE DATES."
29
30 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:



1
2 NEW SECTION. Section 1. Rulemaking authority. (1) The department shall adopt rules:

3 (a) for the implementation and administration of the registration of motor vehicles. The rules adopted by
4 the department must allow for:

5 (i) early renewal of registration for motor vehicles when an owner of a motor vehicle presents extenuating
6 circumstances;

7 (ii) simultaneous registration of multiple motor vehicles that have common ownership;

8 (iii) verification of compliance with 61-6-301 before registering or renewing a registration of a vehicle or
9 issuing new license plates required by 61-3-332(3); ~~and~~

10 (iv) automated mailing of license plates by the department or its authorized agent, including an agent
11 under contract with the department pursuant to 61-3-338-; AND

12 (V) DEVISING A METHOD TO PLACE LICENSE PLATES ON THE 5-YEAR REISSUANCE CYCLE TO MINIMIZE PRODUCTION
13 PEAKS AND VALLEYS.

14 (b) to identify the entity or entities that may qualify for grants under 61-3-415 and to establish criteria that
15 an entity must meet to receive grant funds;

16 (c) to procure compliance with all the laws of the state regulating the issuance of motor vehicle, trailer,
17 semitrailer, or pole trailer licenses relating to the use and operation of motor vehicles, trailers, semitrailers, or pole
18 trailers before issuing the lettered license plates;

19 (d) to establish:

20 (i) the minimum and maximum number of characters that a generic specialty license plate may display;

21 (ii) the general placement of the sponsor's name, identifying phrase, and graphic; and

22 (iii) any specifications or limitations on the use or choice of color or detail in the sponsor's graphic design;

23 (e) to set standards to govern driver's license examinations and reexaminations. The rules:

24 (i) must specifically address the functional abilities and skills required for a person to exercise ordinary
25 and reasonable control in the safe operation of a motor vehicle on a highway;

26 (ii) must include minimum uncorrected or corrected visual acuity requirements for both unrestricted and
27 restricted licensure;

28 (iii) may include minimum field of vision and depth perception requirements for both unrestricted and
29 restricted licensure;

30 (iv) may direct the design of one or more types of skills tests to assess an applicant's or licensee's ability

1 to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway. A skills test
2 may consist of:

3 (A) a comprehensive assessment of a person's functional abilities by means of an actual demonstration
4 of the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle; or

5 (B) a more limited assessment of a person's functional abilities, conducted at the discretion of the
6 department, as related to a specific physical or mental condition or conditions or a request for reexamination.

7 (v) must include operational restrictions based on the visual acuity of an applicant or licensee;

8 (vi) may take into consideration any nationally recognized standards or recommended practices for
9 assessment of a person's ability to exercise ordinary and reasonable control in the safe operation of a motor
10 vehicle on the highway;

11 (vii) must include appropriate licensing criteria relating to the use of adaptive equipment or operational
12 limits that can be readily discerned by law enforcement or a licensing agency in another jurisdiction;

13 (viii) may be derived from medical guidelines and information compiled by driver licensing medical
14 advisory or review boards from other jurisdictions, as well as information received from advocacy groups for
15 persons with disabilities and senior citizens; and

16 (ix) except as provided in 61-5-105, may not use a person's age or physical or mental disability,
17 limitation, or condition as a justification for the denial of a license.

18 (f) governing the issuance of a hardship license to an underage applicant, including but not limited to an
19 applicant who is 14 years of age or older who holds a valid learner license under 61-5-106. The rules must
20 consider whether a hardship license is needed because the applicant's licensed parent or guardian is not
21 available to accompany the licensee due to employment or circumstances related to the operation of a farm or
22 ranch and the licensee is required to drive more than 7 miles from the licensee's residence to the licensee's
23 school bus stop.

24 (g) governing the classification of commercial driver's licenses and related endorsements and the
25 examination of commercial driver's license applicants and renewal applicants that the department considers
26 necessary for the safety and welfare of the traveling public. The rules must:

27 (i) subject to the exceptions provided in this subsection (1)(g), comport with the licensing standards and
28 requirements of 49 CFR, part 383, the medical qualifications of 49 CFR, part 391, and the security threat
29 assessment provisions of 49 CFR, part 1572;

30 (ii) allow for the issuance of an intrastate-only commercial driver's license in accordance with medical

- 1 qualification and visual acuity standards prescribed by the department;
- 2 (iii) allow for the issuance of an interstate commercial driver's license;
- 3 (iv) allow for the issuance of a seasonal commercial driver's license based on standards established by
- 4 the department for the waiver of the knowledge and skills test for a qualified person employed in a farm-related
- 5 service industry who has a good driving record and sufficient prior driving experience;
- 6 (v) prescribe the operational and seasonal restrictions for a seasonal commercial driver's license;
- 7 (vi) prescribe the requirements for the medical statement that must be submitted for a person to be
- 8 qualified for an interstate commercial driver's license;
- 9 (vii) prescribe the minimum standards for certification of a third-party commercial driver testing program
- 10 and any test waiver under 61-5-118; and
- 11 (viii) allow for the issuance of a commercial learner's permit.
- 12 (h) governing the certification, operation, and monitoring of third-party testing programs. The rules must:
- 13 (i) substantially comply with the licensing standards and requirements of 49 CFR, part 383, and the state
- 14 compliance standards in 49 CFR, part 384, including:
- 15 (A) issuance of a commercial driver's license skills testing certificate to a certified program upon
- 16 execution of a third-party skills testing agreement;
- 17 (B) requiring that all third-party skills test examiners meet minimum qualifications, including passing
- 18 background checks paid for by the third-party testing program and successfully completing a formal skills test
- 19 examiner training course;
- 20 (C) providing examiner test limitations, minimum testing standards, and refresher training requirements;
- 21 and
- 22 (D) requiring recordkeeping and a detailed audit program that includes overt and covert test monitoring
- 23 and onsite audits by state and federal personnel;
- 24 (ii) specifically address the requirements for certifying third-party commercial driver testing programs,
- 25 including place of business, appropriate bond and liability insurance, and facilities requirements; and
- 26 (iii) specify minimum technology requirements for recordkeeping, scheduling applicants for the skills test,
- 27 conducting the skills test, and electronically transferring skills test results to the department.
- 28 (i) governing the issuance, renewal, and cancellation of identification cards that comport with the proof
- 29 of identity, residence, and authorized presence standards for a driver's license;
- 30 (j) governing the issuance, renewal, and cancellation of identification cards without photographs issued

- 1 pursuant to [section 36];
- 2 (k) that are necessary to govern:
- 3 (i) sales of receipts;
- 4 (ii) administration of the waiver of knowledge and skills tests related to military commercial vehicle
- 5 experience;
- 6 (iii) the conditions when an applicant is eligible to receive a driver's license or identification card by
- 7 expedited service to set the fee for expedited service; and
- 8 (iv) the establishment of fees for a driving record, a certified driving record, or a requester search for a
- 9 change in license status or conviction activity.
- 10 (2) The department may adopt rules:
- 11 (a) governing the issuance of temporary registration permits. The rules must specify the purposes for
- 12 which a temporary registration permit may be issued, including but not limited to:
- 13 (i) a Montana resident who acquires a new or used motor vehicle, trailer, semitrailer, pole trailer,
- 14 motorboat, sailboat that is 12 feet or longer, snowmobile, or off-highway vehicle for operation of the vehicle or
- 15 vessel prior to titling and registration of the vehicle or vessel under Title 61, chapter 3;
- 16 (ii) the owner of a salvage vehicle or a vehicle requiring a state-assigned vehicle identification number
- 17 to move the vehicle to and from a designated inspection site prior to applying for a new certificate of title under
- 18 61-3-107 or 61-3-212;
- 19 (iii) the owner of a motor vehicle, trailer, semitrailer, or pole trailer registered in this state for operation
- 20 of the vehicle while awaiting production and receipt of special or duplicate license plates ordered for a vehicle
- 21 under Title 61, chapter 3;
- 22 (iv) a nonresident of this state who acquires a motor vehicle, trailer, semitrailer, or pole trailer in this state
- 23 for operation of the vehicle prior to its titling and registration under the laws of the nonresident's jurisdiction of
- 24 residence;
- 25 (v) a dealer licensed in another state who brings a motor vehicle or trailer designed and used to apply
- 26 fertilizer to agricultural lands into the state for special demonstration in this state;
- 27 (vi) a financial institution located in Montana for a prospective purchaser to demonstrate a motor vehicle
- 28 that the financial institution has obtained following repossession;
- 29 (vii) an insurer or its agent to move a motor vehicle or trailer to auction following acquisition of the vehicle
- 30 by the insurer as a result of the settlement of an insurance claim;

1 (viii) a nonresident owner to temporarily operate a quadricycle or motorcycle designed for off-road
2 recreational use on the highways of this state when the quadricycle or motorcycle designed for off-road
3 recreational use is equipped for use on the highways as prescribed in Title 61, chapter 9, but the quadricycle or
4 motorcycle designed for off-road recreational use is not registered or is only registered for off-road use in the
5 nonresident's home state; or

6 (ix) a new owner of a motor vehicle, trailer, semitrailer, pole trailer, motorboat, sailboat that is 12 feet in
7 length or longer, snowmobile, or off-highway vehicle for which the new owner cannot, due to circumstances
8 beyond the new owner's control, surrender a previously assigned certification of title.

9 (b) for the assessment and collection of registration fees under 61-3-321 and 61-3-562, including the
10 proration of fees under 61-3-520, on light vehicles, including criteria for determining the motor vehicle's age;

11 (c) for the imposition and collection of fees in lieu of tax, including:

12 (i) the proration of fees in lieu of tax under 61-3-520 on buses, trucks having a manufacturer's rated
13 capacity of more than 1 ton, and truck tractors;

14 (ii) criteria for determining the motor vehicle's age; and

15 (iii) criteria for determining the manufacturer's rated capacity;

16 (d) for the administration of fees for trailers, semitrailers, and pole trailers, including criteria for
17 determining a trailer's age and weight;

18 (e) for the licensing of new motor vehicle manufacturers, distributors, and importers;

19 (f) to implement the provisions of Title 61, chapter 4, part 5;

20 (g) governing acceptable methods of proof of identification that must be supplied by a person upon
21 application for or renewal of a driver's license;

22 (h) governing the cancellation of a driver's license upon receipt of an insufficient funds check in payment
23 of license fees;

24 (i) providing circumstances under which the department may issue a probationary license to a person
25 whose license has been suspended or revoked or a person whose license is subject to a discretionary
26 suspension or revocation;

27 (j) providing restrictions to be imposed on a probationary license;

28 (k) governing renewal of a driver's license by a person in the military assigned to active duty who had a
29 valid Montana driver's license at the time of entering active duty;

30 (l) governing issuance of a replacement driver's license;

- 1 (m) providing for a determination of the driver's license expiration date, minimum and maximum license
 2 terms, and license renewal requirements for a driver's license issued to a person who is a foreign national whose
 3 presence in the United States is temporarily authorized under federal law;
- 4 (n) governing recordkeeping, including the destruction of records;
- 5 (o) for implementation of online driver's license renewal;
- 6 (p) regarding determination of moving violations;
- 7 (q) governing the process for issuance, withdrawal, and monitoring of a restricted-use driving permit
 8 issued under 61-5-232;
- 9 (r) for implementation of the Montana Driver Privacy Protection Act, including procedures for:
- 10 (i) verifying the identity of a person requesting personal information;
- 11 (ii) maintaining records for release of personal information by the department or by any recipient under
 12 Title 61, chapter 11, part 5; and
- 13 (iii) providing for oversight of sale or disclosure of personal information to third parties;
- 14 (s) for implementation of the seatbelt exemption for medical rules;
- 15 (t) implementation of 61-6-143 for the application, certification, and determination of ability of a
 16 self-insurer to pay any judgment; and
- 17 (u) to implement any other provision of this title.

18

19 **Section 2.** Section 15-15-201, MCA, is amended to read:

20 **"15-15-201. Motor vehicle tax appeals -- payment and protest of local option taxes or fees in lieu**
 21 **of tax on motor vehicles.** (1) (a) A taxpayer who seeks to appeal the imposition of local option taxes on light
 22 vehicles or fees in lieu of tax assessed against a motor vehicle and imposed by the department of justice under
 23 authority of 15-8-202 shall file a written application for the appeal not later than 30 days after receipt of the mail
 24 renewal notice from the department as provided in 61-3-535. The application must be on a form prescribed by
 25 the department of justice in consultation with the state tax appeal board.

26 (b) The application must include a specific explanation of the basis for the taxpayer's appeal. The basis
 27 for appeal must be related to the factors to be considered and applied by the department of justice under
 28 61-3-503, ~~61-3-506~~, and 61-3-529.

29 (2) (a) The treasurer of the county or municipality is not required to deposit local option vehicle taxes or
 30 fees in lieu of tax on a motor vehicle paid under protest in the special fund designated as a protest fund as

1 required for property taxes under 15-1-402. The taxes or fees paid under protest may be reported and distributed
2 in the same manner as those received without protest.

3 (b) If a refund is payable as a result of the taxpayer prevailing in a tax appeal or court proceeding
4 concerning the protested motor vehicle taxes or fees, a refund may be made in accordance with 15-16-603.

5 (3) (a) A motor vehicle tax appeal may be heard by the county tax appeal board during its next regularly
6 scheduled session if the application for the appeal was filed by December 1. If during its current session, a county
7 tax appeal board refuses or fails to hear a taxpayer's application that was timely filed by December 1, then the
8 taxpayer's application is considered to be granted on the day following the board's final meeting for that year.

9 (b) A motor vehicle tax appeal filed after December 1 may be held over by the board to a session in the
10 following year. If a taxpayer's application that was timely filed after December 1 of the current session of the
11 county tax appeal board is held over to a session in the following year and if the county tax appeal board refuses
12 or fails to hear the application during the following session, then the application is considered to be granted on
13 the day following the board's final meeting for that year."
14

15 **Section 3.** Section 61-2-302, MCA, is amended to read:

16 **"61-2-302. Establishment of driver rehabilitation and improvement program -- participation by**
17 **offending drivers.** (1) The department may establish by administrative ~~rules~~ rule a driver rehabilitation and
18 improvement program or programs. The programs may consist of electronic or classroom instruction in rules of
19 the road, driving techniques, defensive driving, driver attitudes and habits, actual on-the-road driver's training,
20 and other subjects or tasks designed to contribute to proper driving attitudes, habits, and techniques and must
21 include the requirements for obtaining a restricted probationary driver's license.

22 (2) Except when otherwise provided or restricted by statute, a person whose driver's license is
23 suspended or revoked by the department, unless the suspension or revocation was for an offense under
24 61-8-401, 61-8-406, or 61-8-411, may participate in any driver rehabilitation and improvement program
25 established under this section if the person's license is:

26 (a) suspended as a result of a violation of the traffic laws of this state, unless the suspension was
27 imposed under the authority provided in Title 61, chapter 8, part 8; or

28 (b) revoked and the person has:

29 (i) completed at least 3 months of a 1-year revocation; or

30 (ii) completed 1 year of a 3-year revocation; and

1 (iii) met the requirements for reobtaining a Montana driver's license.

2 (3) Notwithstanding any provision of this part inconsistent with any other law of the state of Montana, the
3 enforcement of any suspension or revocation order that constitutes the basis for any person's participation in the
4 driver rehabilitation and improvement program provided for in this section may be stayed if that person complies
5 with the requirements established for the driver rehabilitation and improvement program and meets the eligibility
6 requirements of subsection (2).

7 (4) If a person's driver's license has been surrendered before the person's selection for participation in
8 the driver rehabilitation and improvement program, the license may be returned upon receipt of the person's
9 agreement to participate in the program.

10 (5) The stay of enforcement of any suspension or revocation action must be terminated and the
11 suspension or revocation action must be reinstated if a person declines to participate in the driver rehabilitation
12 and improvement program or fails to meet the attendance or other requirements established for participation in
13 the program.

14 (6) This part does not create a right to be included in any program established under this part.

15 (7) The department may establish a schedule of fees that may be charged to those persons participating
16 in the driver improvement and rehabilitation program. The fees must be used to help defray costs of maintaining
17 the program.

18 (8) A person may be referred to this program by a driver improvement analyst, city judge, justice of the
19 peace, youth court judge, judge of a district court of the state, or ~~hearing examiner~~ of the department.

20 (9) (a) Except as provided in subsection (9)(b), the department may issue a restricted probationary
21 license to any person who enrolls and participates in the driver rehabilitation and improvement program. Upon
22 issuance of a probationary license under this section, the licensee is subject to the restrictions set forth on the
23 license.

24 (b) The department may not issue a restricted probationary license that would permit an individual to
25 drive a commercial motor vehicle during a period in which:

26 (i) the individual is disqualified from operating a commercial motor vehicle under state or federal law; or

27 (ii) the individual's driver's license or driving privilege is revoked, suspended, or canceled.

28 (10) It is a misdemeanor for a person to operate a motor vehicle in any manner in violation of the
29 restrictions imposed on a restricted license issued to the person under this section."
30

1 **Section 4.** Section 61-3-218, MCA, is amended to read:

2 **"61-3-218. Certificate of title -- issuance -- delivery.** (1) Except as provided in subsection (2), if a
3 person who applied for a certificate of title also requested the issuance of the certificate of title as provided in
4 61-3-216(2)(f)(i), upon receipt of the application and all supporting documents and after an examination and
5 determination that the application is complete and regular, the department shall issue a certificate of title of the
6 motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile
7 and shall mail the certificate of title to the owner.

8 (2) If a person to whom a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal
9 watercraft, sailboat, or snowmobile was transferred has not satisfied the titling and registration provisions of this
10 chapter or, if applicable, the registration provisions of Title 23, chapter 2, part 5 or 6, within the 40-day period
11 provided in 61-3-220~~(3)~~(2) and the secured party or lienholder pays the ~~title fee~~ fees required in ~~61-3-203~~
12 61-3-220(4), the department may mail a certificate of title to the secured party or lienholder upon request of the
13 secured party or lienholder.

14 (3) (a) A motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat,
15 or snowmobile owner who requested the delayed issuance of a certificate of title under 61-3-216(2)(f)(ii), in the
16 initial application for a certificate of title, may submit a request for the issuance of the certificate of title to the
17 department, its authorized agent, or a county treasurer in a manner prescribed by the department. Upon receipt,
18 the department shall issue a certificate of title for the motor vehicle, trailer, semitrailer, pole trailer, camper,
19 motorboat, personal watercraft, sailboat, or snowmobile and mail the certificate of title to the owner.

20 (b) A title fee may not be demanded from the owner or collected by the department, its authorized agent,
21 or a county treasurer for a certificate of title requested or issued under subsection (3)(a)."

22

23 **Section 5.** Section 61-3-220, MCA, is amended to read:

24 **"61-3-220. Certificate of title -- voluntary transfer -- duties.** (1) Upon the voluntary transfer of any
25 interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or
26 snowmobile for which a certificate of title was issued under the provisions of this chapter, the owner whose
27 interest is to be transferred shall:

28 (a) authorize, in writing and on a form prescribed by the department, an authorized agent, or a county
29 treasurer, to enter the transfer of the owner's interest in the motor vehicle, trailer, semitrailer, pole trailer, camper,
30 motorboat, personal watercraft, sailboat, or snowmobile to the transferee on the electronic record of title

1 maintained under 61-3-101; or

2 (b) execute a transfer in the appropriate space provided on the certificate of title issued to the owner and
3 deliver the assigned certificate of title to:

4 (i) the transferee at the time of delivery of the motor vehicle, trailer, semitrailer, pole trailer, camper,
5 motorboat, personal watercraft, sailboat, or snowmobile; or

6 (ii) the department, its authorized agent, or a county treasurer if an application for a certificate of title has
7 been completed by the transferee and accompanies the assigned certificate of title.

8 ~~(2) The transferor's signature on the certificate of title, or the form authorizing transfer of interest upon
9 the electronic record of title, must be acknowledged before the county treasurer, a deputy county treasurer, an
10 elected official authorized to acknowledge signatures, an employee or authorized agent of the department, or a
11 notary public.~~

12 ~~(3)~~(2) Except as provided in 61-4-111, the person to whom an interest in a motor vehicle has been
13 transferred shall:

14 (a) execute an application for a certificate of title in the space provided on the assigned certificate of title
15 or as prescribed by the department; and

16 (b) within 40 days after the interest in the motor vehicle, trailer, semitrailer, pole trailer, camper,
17 motorboat, personal watercraft, sailboat, or snowmobile was transferred to the person, either:

18 (i) apply for a certificate of title under 61-3-216 and register the motor vehicle, trailer, semitrailer, pole
19 trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile under 61-3-303; or

20 (ii) subject to the limitations of 61-3-312, register the motor vehicle, trailer, semitrailer, pole trailer,
21 camper, motorboat, personal watercraft, sailboat, or snowmobile without the surrender of a previously assigned
22 certificate of title and application for certificate of title under 61-3-303.

23 ~~(4)~~(3) If the person to whom an interest in a motor vehicle, trailer, semitrailer, pole trailer, camper,
24 motorboat, personal watercraft, sailboat, or snowmobile has been transferred fails to comply with the
25 requirements described in subsection ~~(3)~~ (2) within the 40-day grace period, a late penalty of \$10 must be
26 imposed against the transferee. The penalty must be paid before the transferee registers the motor vehicle,
27 trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile in this state, with
28 or without the surrender of an assigned certificate of title. The penalty is in addition to the fees otherwise provided
29 by law.

30 ~~(5)~~(4) If the transferee does not comply with the requirements of subsection ~~(3)~~ (2) within the 40-day

1 grace period, a secured party or lienholder of record may pay the temporary registration permit fee and the fees
 2 for the transfer of title and for filing a voluntary security interest or lien. The secured party or lienholder is not liable
 3 for the late penalty imposed in subsection ~~(4)~~ (3) or for registration fees, taxes, or fees in lieu of tax on the motor
 4 vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile."
 5

6 **Section 6.** Section 61-3-224, MCA, is amended to read:

7 **"61-3-224. Temporary registration permit -- ~~authority to adopt rules -- issuance -- placement --~~**
 8 **fees.** ~~(1) The department may adopt rules governing the issuance of temporary registration permits. The rules~~
 9 ~~must specify the purposes for which a temporary registration permit may be issued, including but not limited to~~
 10 ~~issuance to:~~

11 ~~—— (a) a Montana resident who acquires a new or used motor vehicle, trailer, semitrailer, pole trailer,~~
 12 ~~motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for operation of the~~
 13 ~~vehicle or vessel prior to titling and registration of the vehicle or vessel under this chapter;~~

14 ~~—— (b) the owner of a salvage vehicle or a vehicle requiring a state-assigned vehicle identification number~~
 15 ~~in order to move the vehicle to and from a designated inspection site prior to applying for a new certificate of title~~
 16 ~~under 61-3-107 or 61-3-212;~~

17 ~~—— (c) the owner of a motor vehicle, trailer, semitrailer, or pole trailer registered in this state for operation~~
 18 ~~of the vehicle while awaiting production and receipt of special or duplicate license plates ordered for the vehicle~~
 19 ~~under this chapter;~~

20 ~~(d) a nonresident of this state who acquires a motor vehicle, trailer, semitrailer, or pole trailer in this state~~
 21 ~~for operation of the vehicle prior to its titling and registration under the laws of the nonresident's jurisdiction of~~
 22 ~~residence;~~

23 ~~—— (e) a dealer licensed in another state who brings a motor vehicle or trailer designed and used to apply~~
 24 ~~fertilizer to agricultural lands into the state for special demonstration in this state;~~

25 ~~—— (f) a financial institution located in Montana for a prospective purchaser to demonstrate a motor vehicle~~
 26 ~~that the financial institution has obtained following repossession;~~

27 ~~—— (g) an insurer or its agent to move a motor vehicle or trailer to auction following acquisition of the vehicle~~
 28 ~~by the insurer as a result of the settlement of an insurance claim;~~

29 ~~—— (h) a nonresident owner to temporarily operate a quadricycle or motorcycle designed for off-road~~
 30 ~~recreational use on the highways of this state when the quadricycle or motorcycle designed for off-road~~

1 recreational use is equipped for use on the highways as prescribed in chapter 9 but the quadricycle or motorcycle
 2 designed for off-road recreational use is not registered or is only registered for off-road use in the nonresident's
 3 home state; or

4 ~~—— (i) a new owner of a motor vehicle, trailer, semitrailer, pole trailer, motorboat, sailboat that is 12 feet in~~
 5 ~~length or longer, snowmobile, or off-highway vehicle for which the new owner cannot, due to circumstances~~
 6 ~~beyond the new owner's control, surrender a previously assigned certificate of title.~~

7 ~~(2)(1)~~ (a) The department, an authorized agent, or a county treasurer may issue a temporary registration
 8 permit for any purpose authorized under the rules adopted by the department.

9 (b) An authorized agent or a county treasurer may issue a temporary registration permit without use of
 10 the department-approved electronic interface only if authorized by the department.

11 ~~(3)(2)~~ A person, using a department-approved electronic interface, may issue a temporary registration
 12 permit for any purpose authorized under the rules adopted by the department.

13 ~~(4)(3)~~ A temporary registration permit issued under this section must contain the following information:

14 (a) a temporary plate number as prescribed by the department;

15 (b) the expiration date of the temporary registration permit; and

16 (c) if required by the department, a description of the motor vehicle, trailer, semitrailer, pole trailer,
 17 motorboat, personal watercraft, sailboat, or snowmobile, including year, make, model, and vehicle identification
 18 number, the name of the person from whom ownership of the motor vehicle, trailer, semitrailer, pole trailer,
 19 motorboat, personal watercraft, sailboat, or snowmobile was transferred, the name, mailing address, and
 20 residence address of the person to whom ownership of the motor vehicle, trailer, semitrailer, pole trailer,
 21 motorboat, personal watercraft, sailboat, or snowmobile has been transferred, and the date of issuance.

22 ~~(5)(4)~~ A temporary registration permit for:

23 (a) a motor vehicle, trailer, semitrailer, or pole trailer must be plainly visible and firmly attached to the
 24 rear exterior of the vehicle where a license plate is required to be displayed; and

25 (b) a motorboat, a sailboat that is 12 feet in length or longer, a snowmobile, or an off-highway vehicle
 26 must be plainly visible and firmly attached to the vehicle or vessel.

27 ~~(6)(5)~~ (a) Except as provided in 61-3-431 and subsections ~~(6)(b) and (6)(c)~~ (5)(b) and (5)(c) of this
 28 section, a \$19.50 fee is imposed upon issuance of a temporary registration permit by the department, an
 29 authorized agent, or a county treasurer. The fee must be paid by the owner of the vehicle or vessel and collected
 30 by the department, the authorized agent, or a county treasurer upon issuance of the temporary registration permit.

1 (b) Except as provided in 61-3-431, a fee of \$24.50 is imposed and must be paid upon issuance of a
2 temporary registration permit by:

3 (i) the department, an authorized agent, or a county treasurer to a nonresident of this state who acquires
4 a vehicle or vessel in this state or who registers for temporary use in this state a quadricycle or motorcycle
5 designed for off-road recreational use; or

6 (ii) a person who issued a temporary registration permit using a department-approved electronic interface.

7 (c) A fee of \$24 is imposed and must be paid upon issuance of a temporary registration permit for a
8 90-day temporary registration permit as provided in 61-3-303(3)(b).

9 ~~(7)~~(6) The fees imposed under this section, upon collection, must be forwarded to the state and
10 deposited as follows:

11 (a) \$16.50 from each permit fee collected pursuant to subsection ~~(6)~~ (5) in the state special revenue
12 account established in 44-10-204; and

13 (b) the remainder in the motor vehicle electronic commerce operating account provided for in 61-3-118.

14 ~~(8)~~(7) If a temporary registration permit is issued under this section to a person to whom ownership of
15 a vehicle or vessel has been transferred, the permitholder shall title and register the vehicle or vessel in this or
16 another jurisdiction before the ownership of the vehicle or vessel may be transferred to another person."

17

18 **Section 7.** Section 61-3-303, MCA, is amended to read:

19 **"61-3-303. Original registration -- process -- fees.** (1) Except as provided in 61-3-324, a Montana
20 resident who owns a motor vehicle, trailer, semitrailer, or pole trailer operated or driven upon the public highways
21 of this state shall register the motor vehicle, trailer, semitrailer, or pole trailer in the county where the owner is
22 domiciled. A nonresident who has an interest in real property in Montana may register in the county where the
23 real property is located a motor vehicle, trailer, semitrailer, or pole trailer operated or driven upon the public
24 highways of this state.

25 (2) Except as provided in subsection (3), the county treasurer or an authorized agent shall register any
26 vehicle for which:

27 (a) as of the date that the motor vehicle, trailer, semitrailer, or pole trailer is to be registered, the owner
28 delivers an application for a certificate of title to the department, an authorized agent, or a county treasurer; or

29 (b) the county treasurer or an authorized agent confirms that the department has an electronic record
30 of title for the motor vehicle, trailer, semitrailer, or pole trailer as provided under 61-3-101.

1 (3) (a) A county treasurer or an authorized agent may register a motor vehicle, trailer, semitrailer, or pole
2 trailer for which a certificate of title and registration were issued in another jurisdiction and for which registration
3 is required under 61-3-701 after the county treasurer or the authorized agent examines the current
4 out-of-jurisdiction registration certificate or receipt and receives payment of the fees required in 61-3-701. The
5 county treasurer or an authorized agent may ask the motor vehicle, trailer, semitrailer, or pole trailer owner to
6 provide additional information, prescribed by the department, to ensure that the electronic record of registration
7 maintained by the department is complete.

8 (b) A county treasurer or an authorized agent shall collect fees pursuant to 61-3-203 and 61-3-220~~(4)~~(3)
9 and issue a 90-day temporary registration permit pursuant to 61-3-224 for a motor vehicle, trailer, semitrailer, pole
10 trailer, motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for which the new
11 owner cannot, due to circumstances beyond the new owner's control, surrender a previously assigned certificate
12 of title. The new owner shall request the 90-day temporary registration permit from the authorized agent or county
13 treasurer that originally issued the temporary registration permit.

14 (4) Upon registering a motor vehicle, trailer, semitrailer, or pole trailer for the first time in this state, the
15 county treasurer or an authorized agent shall:

16 (a) update the electronic record of title, if any, maintained for the vehicle by the department under
17 61-3-101;

18 (b) assign a registration period for the vehicle under 61-3-311;

19 (c) determine the vehicle's age, if required, under 61-3-501;

20 (d) determine the amount of fees, including local option taxes or fees, to be paid under subsection (5);

21 and

22 (e) assign and issue license plates for the vehicle under 61-3-331.

23 (5) Unless otherwise provided by law, a person registering a motor vehicle shall pay to the county
24 treasurer or an authorized agent:

25 (a) the fees in lieu of tax or registration fees as required for:

26 (i) a light vehicle under 61-3-321 or 61-3-562, in addition to, if applicable, any local option tax or fee
27 under 61-3-537 or 61-3-570;

28 (ii) a motor home under 61-3-321;

29 (iii) a travel trailer under 61-3-321;

30 (iv) a motorcycle or quadricycle under 61-3-321;

1 (v) a bus, a truck having a manufacturer's rated capacity of more than 1 ton, or a truck tractor under
2 61-3-321 and 61-3-529; or

3 (vi) a trailer under 61-3-321;

4 (b) a donation of \$1 or more if the person indicates that the person wishes to donate to promote
5 awareness and education efforts for procurement of organ and tissue donations in Montana to favorably impact
6 anatomical gifts; and

7 (c) a donation of \$1 or more if the person indicates that the person wishes to donate to promote
8 education on, support for, and awareness of traumatic brain injury.

9 (6) The county treasurer or an authorized agent may not issue a registration receipt or license plates for
10 the motor vehicle, trailer, semitrailer, or pole trailer to the owner unless the owner makes the payments required
11 by subsection (5).

12 (7) The department may make full and complete investigation of the registration status of the motor
13 vehicle, trailer, semitrailer, or pole trailer. A person seeking to register a motor vehicle, trailer, semitrailer, or pole
14 trailer under this section shall provide additional information to support the registration to the department if
15 requested.

16 (8) Revenue that accrues from the voluntary donation provided in subsection (5)(b) must be forwarded
17 by the respective county treasurer or an authorized agent to the department for deposit in the state special
18 revenue fund to the credit of an account established by the department of public health and human services to
19 support activities related to awareness and education efforts for procurement of organ and tissue donations for
20 anatomical gifts.

21 (9) (a) Except as provided in subsection (9)(b), the fees in lieu of tax, taxes, and fees imposed on or
22 collected from the registration of a travel trailer, motorcycle, or quadricycle or a trailer, semitrailer, or pole trailer
23 that has a declared weight of less than 26,000 pounds are required to be paid only once during the time that the
24 travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is owned by the same person who
25 registered the travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer. Once registered, a travel
26 trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is registered permanently unless ownership is
27 transferred or unless it was registered under 61-3-701.

28 (b) Whenever ownership of a travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is
29 transferred, the new owner is required to register the travel trailer, motorcycle, quadricycle, trailer, semitrailer,
30 or pole trailer as if it were being registered for the first time, including paying all of the required fees in lieu of tax,

1 taxes, and fees.

2 (10) Revenue that accrues from the voluntary donation provided in subsection (5)(c) must be forwarded
3 by the respective county treasurer or an authorized agent to the department for deposit in the state special
4 revenue fund to the credit of the account established in 2-15-2218 to support activities related to education
5 regarding prevention of traumatic brain injury.

6 (11) The department, an authorized agent of the department, or a county treasurer shall use the online
7 motor vehicle liability insurance verification system provided in 61-6-157 to verify that the vehicle owner has
8 complied with the requirements of 61-6-301."

9

10 **Section 8.** Section 61-3-312, MCA, is amended to read:

11 **"61-3-312. Renewal of registration -- exceptions -- grace period.** (1) Except as provided in 61-3-313
12 and 61-3-721, the registration of a motor vehicle under this chapter must be renewed on or before the last day
13 of the month of the motor vehicle's registration period following the expiration of the motor vehicle's registration.

14 (2) A person may renew a motor vehicle's registration by submitting full payment for the fees or taxes
15 required under 61-3-303 and 61-3-321(13) to the department, an authorized agent, or a county treasurer in any
16 county of this state.

17 (3) The department, an authorized agent, or a county treasurer shall use the online motor vehicle liability
18 insurance verification system provided in 61-6-157 to verify proof of compliance with 61-6-301.

19 (4) ~~Except as provided in 61-3-315, the~~ The registration period originally assigned under 61-3-311 must
20 be retained and the duration of the renewed registration is determined in accordance with 61-3-311. A registration
21 receipt is valid for the registration period for which it is issued.

22 (5) The owner of a motor vehicle subject to registration renewal under the provisions of this section is
23 considered to have renewed the motor vehicle's registration in a timely manner if the owner submits full payment
24 for the required fees or taxes, as prescribed in the mail renewal notice from the department, to the department,
25 an authorized agent, or a county treasurer on or before the last day of the month of the motor vehicle's
26 registration period.

27 (6) The department, an authorized agent, or a county treasurer may not renew the registration of a motor
28 vehicle for which ownership has been transferred and that was originally registered without being titled under the
29 provisions of 61-3-303(3)(b) unless:

30 (a) the previously issued certificate of title has been surrendered to the department, an authorized agent,

1 or the county treasurer and the process for issuing a certificate of title has been completed; or
 2 (b) the person to whom ownership of the motor vehicle has been transferred presents an affidavit and
 3 bond in support of the application for a certificate of title as permitted in 61-3-208."
 4

5 **Section 9.** Section 61-3-316, MCA, is amended to read:

6 **"61-3-316. New registrations.** Except as provided in 61-3-311, a motor vehicle that is registered for the
 7 first time in this state must be assigned a registration period corresponding to when the motor vehicle is first
 8 registered in this state. Except as permitted in ~~61-3-315~~, 61-3-318; and 61-3-324, the registration period for a
 9 motor vehicle must remain the same from year to year."
 10

11 **Section 10.** Section 61-3-321, MCA, is amended to read:

12 **"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration**
 13 **fees -- disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon
 14 registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers,
 15 semitrailers, and pole trailers as provided in subsections (2) through (20).
 16

17 (2) (a) Except as provided in subsection (2)(b), unless a light vehicle is permanently registered under
 18 61-3-562, the annual registration fee for light vehicles, trucks, and buses that weigh 1 ton or less and for logging
 19 trucks that weigh 1 ton or less is as follows:

- 19 (i) if the vehicle is 4 or less years old, \$217;
- 20 (ii) if the vehicle is 5 through 10 years old, \$87; and
- 21 (iii) if the vehicle is 11 or more years old, \$28.

22 (b) For a light vehicle with a manufacturer's suggested retail price of more than \$150,000 that is 10 years
 23 old or less, the annual registration fee is the amount provided for in subsection (2)(a) plus \$825.

24 (3) (a) Except as provided in ~~subsection~~ SUBSECTIONS (3)(B) AND (15), the one-time registration fee based
 25 on the declared weight of a trailer, semitrailer, or pole trailer is as follows:

- 26 (i) if the declared weight is less than 6,000 pounds, \$61.25; or
- 27 (ii) if the declared weight is 6,000 pounds or more, \$148.25.

28 (b) If FOR a trailer, semitrailer, or pole trailer THAT is registered under 61-3-701, ~~the fees required in~~
 29 ~~subsection (3)(a) must be paid annually~~ THE ANNUAL REGISTRATION FEE BASED ON THE DECLARED WEIGHT IS AS
 30 FOLLOWS:

- 1 (I) IF THE DECLARED WEIGHT IS LESS THAN 6,000 POUNDS, \$30; OR
 2 (II) IF THE DECLARED WEIGHT IS 6,000 POUNDS OR MORE, \$60.
- 3 (4) Except as provided in subsection (15), the one-time registration fee for motor vehicles owned and
 4 operated solely as collector's items pursuant to 61-3-411, based on the weight of the vehicle, is as follows:
- 5 (a) 2,850 pounds and over, \$10; and
 6 (b) under 2,850 pounds, \$5.
- 7 (5) Except as provided in subsection (15), the one-time registration fee for off-highway vehicles other
 8 than a quadricycle or motorcycle is \$61.25.
- 9 (6) The annual registration fee for heavy trucks, buses, and logging trucks in excess of 1 ton is \$22.75.
- 10 (7) (a) Except as provided in subsection (7)(c), the annual registration fee for a motor home, based on
 11 the age of the motor home, is as follows:
- 12 (i) less than 2 years old, \$282.50;
 13 (ii) 2 years old and less than 5 years old, \$224.25;
 14 (iii) 5 years old and less than 8 years old, \$132.50; and
 15 (iv) 8 years old and older, \$97.50.
- 16 (b) The owner of a motor home that is 11 years old or older and that is subject to the registration fee
 17 under this section may permanently register the motor home upon payment of:
- 18 (i) a one-time registration fee of \$237.50;
 19 (ii) unless a new set of license plates is being issued, an insurance verification fee of \$5, which must be
 20 deposited in the account established under 61-6-158;
 21 (iii) if applicable, five times the renewal fees for personalized license plates under 61-3-406; and
 22 (iv) if applicable, the donation fee for a generic specialty license plate under 61-3-480 or a collegiate
 23 license plate under 61-3-465.
- 24 (c) For a motor home with a manufacturer's suggested retail price of more than \$300,000 that is 10 years
 25 old or less, the annual registration fee is the amount provided in subsection (7)(a) plus \$800.
- 26 (8) (a) ~~(I)~~ Except as provided in ~~subsection~~ SUBSECTIONS (8)(B) AND (15), the one-time registration fee
 27 for motorcycles and quadricycles registered for use on public highways is \$53.25, and the one-time registration
 28 fee for motorcycles and quadricycles registered for both off-road use and for use on the public highways is
 29 \$114.50.
- 30 ~~(b)~~(II) An additional fee of \$16 must be collected for the registration of each motorcycle or quadricycle

1 as a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.

2 ~~(c) If a motorcycle or quadricycle that is registered for use on public highways or registered for both~~
 3 ~~off-road use and for use on the public highways is registered under 61-3-701, the fees required in subsections~~
 4 ~~(8)(a) and (8)(b) must be paid annually.~~

5 (B) (I) THE ANNUAL REGISTRATION FEE FOR A MOTORCYCLE OR QUADRICYCLE THAT IS REGISTERED FOR USE ON
 6 PUBLIC HIGHWAYS UNDER 61-3-701 IS \$43.

7 (II) AN ADDITIONAL SAFETY FEE OF \$7 MUST BE COLLECTED ANNUALLY FOR EACH MOTORCYCLE OR QUADRICYCLE
 8 REGISTERED UNDER 61-3-701. THE SAFETY FEE MUST BE DEPOSITED IN THE STATE MOTORCYCLE SAFETY ACCOUNT
 9 PROVIDED FOR IN 20-25-1002.

10 (9) Except as provided in subsection (15), the one-time registration fee for travel trailers, based on the
 11 length of the travel trailer, is as follows:

12 (a) under 16 feet in length, \$72; and

13 (b) 16 feet in length or longer, \$152.

14 (10) Except as provided in subsection (15), the one-time registration fee for a motorboat, sailboat,
 15 personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:

16 (a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length,
 17 \$65.50;

18 (b) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in
 19 length, \$125.50; and

20 (c) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, \$295.50.

21 (11) (a) Except as provided in subsections (11)(b) and (15), the one-time registration fee for a
 22 snowmobile is \$60.50.

23 (b) (i) A snowmobile that is licensed by a Montana business and is owned exclusively for the purpose
 24 of daily rental to customers is assessed:

25 (A) a fee of \$40.50 in the first year of registration; and

26 (B) if the business reregisters the snowmobile for a second year, a fee of \$20.

27 (ii) If the business reregisters the snowmobile for a third year, the snowmobile must be permanently
 28 registered and the business is assessed the registration fee imposed in subsection (11)(a).

29 (12) (a) The one-time registration fee for a low-speed electric vehicle is \$25.

30 (b) The one-time registration fee for a golf cart that is owned by a person who has or is applying for a

1 low-speed restricted driver's license is \$25.

2 (c) The one-time registration fee for golf carts authorized to operate on certain public streets and
3 highways pursuant to 61-8-391 is \$25. Upon receipt of the fee, the department shall issue the owner a decal,
4 which must be displayed visibly on the golf cart.

5 (13) (a) Except as provided in subsection (13)(b), a fee of \$10 must be collected when a new set of
6 standard license plates, a new single standard license plate, or a replacement set of special license plates
7 required under 61-3-332 is issued. The \$10 fee imposed under this subsection does not apply when previously
8 issued license plates are transferred under 61-3-335. All registration fees imposed under this section must be
9 paid if the vehicle to which the plates are transferred is not currently registered.

10 (b) An additional fee of \$15 must be collected if a vehicle owner elects to keep the same license plate
11 number from license plates issued before January 1, 2010, when replacement of those plates is required under
12 61-3-332(3).

13 (c) The fees imposed in this subsection (13) must be deposited in the account established under
14 61-6-158, except that \$2 of the fee imposed in subsection (13)(a) must be deposited in the state general fund.

15 (14) The provisions of this part with respect to the payment of registration fees do not apply to and are
16 not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled
17 by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to a vehicle
18 or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a), (1)(d), (1)(e), (1)(g),
19 (1)(h), (1)(i), (1)(k), (1)(l), (1)(n), or (1)(o), 15-6-203, or 15-6-215, except as provided in 61-3-520.

20 (15) Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle,
21 quadricycle, travel trailer, motor home, motorboat, sailboat, personal watercraft, motorized pontoon, snowmobile,
22 motor vehicle owned and operated solely as a collector's item pursuant to 61-3-411, or low-speed electric vehicle
23 is transferred, the new owner shall title and register the vehicle or vessel as required by this chapter and pay the
24 fees imposed under this section.

25 (16) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

26 (17) Except as otherwise provided in this section, revenue collected under this section must be deposited
27 in the state general fund.

28 (18) The fees imposed by subsections (2) through (12) are not required to be paid by a dealer for the
29 enumerated vehicles or vessels that constitute inventory of the dealership.

30 (19) (a) Unless a person exercises the option in either subsection (19)(b) or (19)(c), an additional fee of

1 \$6 must be collected for each light vehicle registered under this part. This fee must be accounted for and
2 transmitted separately from the registration fee. The fee must be deposited in an account in the state special
3 revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities.
4 Of the \$6 fee, the department of fish, wildlife, and parks shall use \$5.37 for state parks [or as otherwise
5 appropriated by the legislature], 25 cents for fishing access sites, and 38 cents for the operation of state-owned
6 facilities at Virginia City and Nevada City.

7 (b) A person who registers a light vehicle may, at the time of annual registration, certify that the person
8 does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election
9 not to pay the additional \$6 fee provided for in subsection (19)(a). If a written election is made, the fee may not
10 be collected.

11 (c) (i) A person who registers one or more light vehicles may, at the time of annual registration, certify
12 that the person does not intend to use any of the vehicles to visit state parks and fishing access sites and may
13 make a written election not to pay the additional \$6 fee provided for in subsection (19)(a). If a written election is
14 made, the fee may not be collected at any subsequent annual registration unless the person makes the written
15 election to pay the additional fee on one or more of the light vehicles.

16 (ii) The written election not to pay the additional fee on a light vehicle expires if the vehicle is registered
17 to a different person.

18 (20) For each light vehicle, trailer, semitrailer, pole trailer, heavy truck, motor home, motorcycle,
19 quadricycle, and travel trailer subject to a registration fee under this section, an additional fee of \$10 must be
20 collected and forwarded to the state for deposit in the account established in 44-1-504.

21 (21) (a) If a person exercises the option in subsection (21)(b), an additional fee of \$5 must be collected
22 for each light vehicle registered under this part. This fee must be accounted for and transmitted separately from
23 the registration fee. The fee must be deposited in an account in the state special revenue fund. Funds in the
24 account are statutorily appropriated, as provided in 17-7-502, to the department of transportation and must be
25 allocated as provided in 60-3-309.

26 (b) A person who registers one or more light vehicles may, at the time of annual registration, make a
27 written or electronic election to pay the additional \$5 fee provided for in subsection (21)(a).

28 (22) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by
29 61-3-721.

30 (23) (a) The \$800 and \$825 amounts collected based on the manufacturer's suggested retail price in

1 subsections (2) and (7) are exempt from the provisions of 15-1-122 and must be deposited in the motor vehicle
2 division administration account established in 61-3-112.

3 (b) By August 15 of each year, beginning in the fiscal year beginning July 1, 2019, the department of
4 justice shall deposit into the general fund an amount equal to the fiscal yearend balance minus 25% of the current
5 fiscal year appropriation for the ~~motor vehicle division administration~~ account established in 61-3-112.

6 (24) (a) For the purposes of this section, "manufacturer's suggested retail price" means the price
7 suggested by the manufacturer for each given type, style, or model of the light vehicle or motor home produced
8 and first made available for retail sale by the manufacturer.

9 (b) The manufacturer's suggested retail price is based on standard equipment of a light vehicle or motor
10 home and does not contain price additions or deductions for optional accessories.

11 (c) When a manufacturer's suggested retail price is unavailable for a light vehicle or motor home, the
12 department shall determine an alternative valuation for the light vehicle or motor home. (Bracketed language
13 terminates June 30, 2019--sec. 21, Ch. 351, L. 2017.)"

14

15 **Section 11.** Section 61-3-332, MCA, is amended to read:

16 **"61-3-332. Standard license plates.** (1) In addition to special license plates, collegiate license plates,
17 generic specialty license plates, and fleet license plates authorized under this chapter, a separate series of
18 standard license plates must be issued for motor vehicles, quadricycles, travel trailers, trailers, semitrailers, and
19 pole trailers registered in this state or offered for sale by a vehicle dealer licensed in this state. Standard license
20 plates issued to licensed vehicle dealers must be readily distinguishable from license plates issued to vehicles
21 owned by other persons.

22 (2) (a) Except as provided in 61-3-479 and subsections (2)(b), (3)(b), and (3)(c) of this section, all
23 standard license plates for motor vehicles, trailers, semitrailers, or pole trailers must bear a distinctive marking,
24 as determined by the department, and be furnished by the department. In years when standard license plates
25 are not reissued for a vehicle, the department shall provide a registration decal that must be affixed to the rear
26 license plate of the vehicle.

27 (b) For light vehicles that are permanently registered as provided in 61-3-562 and motor vehicles
28 described in 61-3-303(9) that are permanently registered, the department shall provide a distinctive registration
29 decal indicating that the motor vehicle is permanently registered. The registration decal must be affixed to the rear
30 license plate of the permanently registered motor vehicle.

1 (c) For a travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer that is permanently
2 registered as provided in 61-3-313(2), the department may use the word or an abbreviation for the word
3 "permanent" on the plate in lieu of issuing a registration decal for the plate.

4 (3) (a) (i) New license plates issued under 61-3-303 or this section must be a standard license plate
5 design first issued in 1989 or later or current collegiate or generic specialty license plate designs. For the
6 purposes of this subsection (3), all military, veteran, and amateur radio license plates and any license plate with
7 a wheelchair design, excluding collegiate or generic specialty plates with a wheelchair design, are treated as
8 standard license plates.

9 (ii) License plates issued on or after January 1, 2010, must be replaced with new license plates if, upon
10 renewal of registration under 61-3-312, the license plates are 5 or more years old or will become older than 5
11 years during the registration period. New license plates must be issued in accordance with the implementation
12 schedule adopted by the department under ~~61-3-315~~ section 1.

13 (iii) A vehicle owner may elect to keep the same license plate number from license plates issued before
14 January 1, 2010, when replacement of those plates is required under this subsection.

15 (b) A motor vehicle that is registered for a 13-month to a 24-month period, as provided in 61-3-311, may
16 display the license plate and plate design in effect at the time of registration for the entire registration period.

17 (c) A light vehicle described in subsection (2)(b) or a motor home that is permanently registered may
18 display the license plate and plate design in effect at the time of registration for the entire period that the light
19 vehicle or motor home is permanently registered.

20 (d) The provisions of this subsection (3) do not apply to a travel trailer, motorcycle, quadricycle, trailer,
21 semitrailer, or pole trailer.

22 (e) The requirements of this subsection (3) apply to collegiate license plates authorized under 61-3-461
23 through 61-3-468, generic specialty license plates authorized under 61-3-472 through 61-3-481, commemorative
24 centennial license plates authorized under 61-3-448, and special military or veteran license plates authorized
25 under 61-3-458.

26 (4) (a) All license plates must be metal and treated with a reflectorized background material according
27 to specifications prescribed by the department. The word "Montana" must be placed on each license plate and,
28 except for license plates that are 4 inches wide and 7 inches in length, the outline of the state of Montana must
29 be used as a distinctive border on each standard license plate.

30 (b) Plates for semitrailers, travel trailers, pole trailers, trailers with a declared weight of 6,000 pounds or

1 more, and motor vehicles, other than motorcycles and quadricycles, must be 6 inches wide and 12 inches in
2 length.

3 (c) Plates for motorcycles and quadricycles must be 4 inches wide and 7 inches in length.

4 (d) The department shall issue plates that are 4 inches wide and 7 inches in length for trailers with a
5 declared weight of less than 6,000 pounds unless a person registering a trailer with a declared weight of less than
6 6,000 pounds requests plates that are 6 inches wide and 12 inches in length. A person registering a trailer shall
7 pay all applicable fees for the plates chosen.

8 (5) The distinctive registration numbers for standard license plates must begin with a number one or with
9 a letter-number combination, such as "A 1" or "AA 1", or any other similar combination of letters and numbers.
10 Except for special license plates, collegiate license plates, generic specialty license plates, fleet license plates,
11 and standard license plates that are 4 inches wide and 7 inches in length, the distinctive registration number or
12 letter-number combination assigned to the motor vehicle must appear on the plate preceded by the number of
13 the county and appearing in horizontal order on the same horizontal baseline. The county number must be
14 separated from the distinctive registration number by a separation mark unless a letter-number combination is
15 used. The dimensions of the numerals and letters must be determined by the department, and all county and
16 registration numbers must be of equal height.

17 (6) For the use of exempt motor vehicles, trailers, semitrailers, or pole trailers and motor vehicles,
18 trailers, semitrailers, or pole trailers that are exempt from the registration fee as provided in 61-3-321, in addition
19 to the markings provided in this section, standard license plates must bear the following distinctive markings:

20 (a) For motor vehicles, trailers, semitrailers, or pole trailers owned by the state, the department may
21 designate the prefix number for the various state departments. All numbered plates issued to state departments
22 must bear the words "State Owned", and a year number may not be indicated on the plates because these
23 numbered plates are of a permanent nature and will be replaced by the department only when the physical
24 condition of numbered plates requires it.

25 (b) For motor vehicles, trailers, semitrailers, or pole trailers that are owned by the counties,
26 municipalities, and special districts, as defined in 18-8-202, organized under the laws of Montana and not
27 operating for profit, and that are used and operated by officials and employees in the line of duty and for motor
28 vehicles on loan from the United States government or the state of Montana to, or owned by, the civil air patrol
29 and used and operated by officials and employees in the line of duty, there must be placed on the standard
30 license plates assigned, in a position that the department may designate, the letter "X" or the word "EXEMPT".

1 Distinctive registration numbers for plates assigned to motor vehicles, trailers, semitrailers, or pole trailers of each
2 of the counties in the state and those of the municipalities and special districts that obtain plates within each
3 county must begin with number one and be numbered consecutively. Because these standard license plates are
4 of a permanent nature, they are subject to replacement by the department only when the physical condition of
5 the license plates requires it and a year number may not be displayed on the plates.

6 (7) For the purpose of this chapter, the several counties of the state are assigned numbers as follows:
7 Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8;
8 Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt, 17;
9 Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25;
10 Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33;
11 Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41;
12 Carter, 42; Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield,
13 50; Jefferson, 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56. Any new counties must
14 be assigned numbers by the department as they are formed, beginning with the number 57.

15 (8) Each type of special license plate approved by the legislature, except collegiate license plates
16 authorized in 61-3-463 and generic specialty license plates authorized in 61-3-472 through 61-3-481, must be
17 a separate series of plates, numbered as provided in subsection (5), except that the county number must be
18 replaced by a design that distinguishes each separate plate series. Unless otherwise specifically stated in this
19 section, the special plates are subject to the same rules and laws as govern the issuance of standard license
20 plates, must be placed or mounted on a motor vehicle, trailer, semitrailer, or pole trailer owned by the person who
21 is eligible to receive them, with the registration decal affixed to the rear license plate of the motor vehicle, trailer,
22 semitrailer, or pole trailer, and must be removed upon sale or other disposition of the motor vehicle, trailer,
23 semitrailer, or pole trailer.

24 (9) (a) A Montana resident who is eligible to receive a special parking permit under 49-4-301 may and
25 a person with a low-speed restricted driver's license operating a low-speed electric vehicle or golf cart as provided
26 in 61-5-122 must, upon written application on a form prescribed by the department, be issued a special license
27 plate with a design or decal bearing a representation of a wheelchair as the symbol of a person with a disability.

28 (b) If the motor vehicle to which the license plate is attached is permanently registered, the owner of the
29 motor vehicle shall provide, upon request of a person authorized to enforce special parking laws or ordinances
30 in this or any state, evidence of continued eligibility to use the license plate in the form of a valid special parking

1 permit issued to or renewed by the vehicle owner under 49-4-304 and 49-4-305.

2 (c) A person with a permanent condition, as provided in 49-4-301(2)(b), who has been issued a special
3 license plate upon written application, as provided in this subsection (9), is not required to reapply upon
4 reregistration of the motor vehicle.

5 (10) The provisions of this section do not apply to a motor vehicle, trailer, semitrailer, or pole trailer that
6 is registered as part of a fleet, as defined in 61-3-712, and that is subject to the provisions of 61-3-711 through
7 61-3-733."

8

9 **Section 12.** Section 61-3-411, MCA, is amended to read:

10 **"61-3-411. Registration of motor vehicle owned and operated solely as collector's item.** (1) An
11 owner of a motor vehicle, trailer, semitrailer, or pole trailer that is more than 30 years old and that is used solely
12 as a collector's item and is not used for general transportation purposes may file with the department an
13 application for the registration of the motor vehicle, trailer, semitrailer, or pole trailer. ~~The application must be~~
14 ~~sworn to before an officer authorized to administer oaths.~~ The application must state:

15 (a) the name and address of the owner;

16 (b) the name and address of the person from whom the motor vehicle, trailer, semitrailer, or pole trailer
17 was purchased;

18 (c) the make, the gross weight, the year and number of the model, and the manufacturer's identification
19 number and serial number of the motor vehicle, trailer, semitrailer, or pole trailer; and

20 (d) that the motor vehicle, trailer, semitrailer, or pole trailer is owned and operated solely as a collector's
21 item and not for general transportation purposes.

22 (2) Upon receipt of the application for registration and payment of the registration fees, including fees
23 in lieu of tax, the department shall file the application and register the motor vehicle, trailer, semitrailer, or pole
24 trailer in the manner specified in 61-3-303 and, unless the applicant chooses to exercise the option allowed in
25 61-3-412, shall deliver to the applicant:

26 (a) for a motor vehicle, trailer, semitrailer, or pole trailer manufactured in 1933 or earlier, two license
27 plates bearing the inscription "Pioneer--Montana" and the registration number; or

28 (b) for a motor vehicle, trailer, semitrailer, or pole trailer manufactured in 1934 or later and more than
29 30 years old, two license plates bearing the inscription "Vintage--Montana" and the registration number.

30 (3) The year of issuance may not be shown on the plates.

1 (4) Annual renewal of the registration of a motor vehicle, trailer, semitrailer, or pole trailer registered
2 under this section is not required, and the registration is valid as long as the motor vehicle, trailer, semitrailer, or
3 pole trailer is in existence and owned by the initial registrant."
4

5 **Section 13.** Section 61-3-414, MCA, is amended to read:

6 **"61-3-414. Special motorcycle license plates for military personnel, veterans, and spouses --**
7 **department to design -- fees -- disposition.** (1) The department shall design and issue motorcycle license
8 plates for all special military and veteran license plates provided for in 61-3-458~~(2)(d) and (3)~~.

9 (2) A person requesting a special military or veteran motorcycle license plate under this section:

10 (a) is subject to the eligibility requirements for the license plate as provided in 61-3-458; and

11 (b) shall pay to the county treasurer or an authorized agent:

12 (i) an administrative fee of \$5 upon issuance of the motorcycle license plate, to be deposited in the
13 county general fund;

14 (ii) a \$5 license plate fee, to be deposited in the state general fund; and

15 (iii) a \$10 veterans' cemetery fee, to be deposited as provided in 61-3-459(2).

16 (3) Upon request, after paying the fees imposed under subsection (2)(b) and any applicable vehicle
17 registration fees under this chapter, the surviving spouse of an eligible veteran, if the spouse has not remarried,
18 may retain the special license plates issued to the deceased veteran, subject to the eligibility requirements for
19 the plate as provided in 61-3-458(4)."
20

21 **Section 14.** Section 61-3-415, MCA, is amended to read:

22 **"61-3-415. Special motorcycle license plates -- department to design -- fees -- distribution.** (1) A
23 Montana resident who is the owner of a motorcycle or quadricycle titled and registered under this chapter and
24 who pays the fee required under subsection (2) may be issued a special motorcycle license plate bearing a
25 design created by the department. The design must recognize the efforts of one or more Montana-based nonprofit
26 organizations that grant wishes to chronically or critically ill Montana children.

27 (2) A person requesting a special motorcycle license plate under this section shall pay to the county
28 treasurer or an authorized agent:

29 (a) an administrative fee of \$5 upon issuance of the special license plate, to be deposited in the county
30 general fund;

1 (b) a \$5 license plate fee; and

2 (c) a donation fee of \$20.

3 (3) The county treasurer or an authorized agent shall remit the fees required in subsections (2)(b) and
4 (2)(c) to the department. For each special plate issued, the department shall deposit \$5 in the state general fund
5 and \$20 in an account in the state special revenue fund to be used by the department as provided in subsection
6 (4).

7 (4) The department shall use the money deposited in the account in the state special revenue fund as
8 provided in subsection (3) to provide grants, using criteria established by the department, to Montana-based
9 nonprofit organizations that grant wishes to Montana children who are chronically or critically ill.

10 ~~(5) The department shall adopt rules to identify the entity or entities that may qualify for grants under this~~
11 ~~section and to establish the criteria that an entity must meet to receive grant funds.~~

12 ~~(6)~~(5) The account in the state special revenue fund provided for in subsection (3) is statutorily
13 appropriated to the department, as provided in 17-7-502."

14

15 **Section 15.** Section 61-3-423, MCA, is amended to read:

16 **"61-3-423. Rules -- limit Limit of one identical pair of plates for each operator.** ~~The department shall~~
17 ~~adopt rules to procure compliance with all the laws of the state regulating the issuance of motor vehicle, trailer,~~
18 ~~semitrailer, or pole trailer licenses relating to the use and operation of motor vehicles, trailers, semitrailers, or pole~~
19 ~~trailers before issuing the lettered license plates.~~ The department may not issue more than one identical pair of
20 lettered license plates for any licensed amateur radio station in any one licensing period."

21

22 **Section 16.** Section 61-3-474, MCA, is amended to read:

23 **"61-3-474. Responsibility for design of generic specialty license plates -- numbering -- rulemaking**
24 **--approval -- registration decal -- listing of plate sponsors.** (1) The department shall:

25 (a) design the background and general format of generic specialty license plates;

26 (b) in consultation with the department of corrections, determine which license plate processing system
27 is the most efficient and versatile manufacturing method for the production of generic specialty license plates;
28 and

29 (c) use a numbering system for generic specialty license plates that is distinctive from the numbering
30 system required under 61-3-332 or used for collegiate license plates;

- 1 ~~_____ (d) adopt rules that prescribe:~~
 2 ~~_____ (i) the minimum and maximum number of characters that a generic specialty license plate may display;~~
 3 ~~_____ (ii) the general placement of the sponsor's name, identifying phrase, and graphic; and~~
 4 ~~_____ (iii) any specifications or limitations on the use or choice of color or detail in the sponsor's graphic design.~~
- 5 (2) All sponsor names, identifying phrases, and graphics intended for use on generic specialty license
 6 plates must be approved by the department prior to the manufacture of the plates.
- 7 (3) Upon the issuance of generic specialty license plates, a registration decal must be affixed to the
 8 license plates as provided in 61-3-332.
- 9 (4) The department shall maintain a list of the sponsors that have been approved to promote the sale
 10 and issuance of generic specialty license plates, the initial distribution date for sale of each sponsored generic
 11 specialty license plate, and the donation fee established by the sponsor for each sponsored generic specialty
 12 license plate. The department shall, upon request, make copies of this list available to interested members of the
 13 public.
- 14 (5) The department may, in its discretion, revoke its previous approval of a sponsor's generic specialty
 15 license plate sponsorship if:
- 16 (a) the sponsor fails to comply with the provisions of 61-3-472 through 61-3-481;
 17 (b) fewer than 400 sets of a sponsor's generic specialty license plate have been sold or renewed in the
 18 12-month period immediately preceding the third anniversary of the date of initial distribution of the sponsored
 19 generic specialty license plate; or
 20 (c) the department has reliable information that the sponsor is no longer qualified for sponsorship under
 21 61-3-472 through 61-3-481.
- 22 (6) (a) Upon revocation of a sponsor's generic specialty license plate sponsorship status, the issuance
 23 and sale of the sponsor's generic specialty license plates must be terminated.
- 24 (b) A person who owns a motor vehicle displaying valid generic specialty license plates affiliated with
 25 a sponsor whose sponsorship status has been revoked may continue to display those generic specialty license
 26 plates on the person's motor vehicle until the motor vehicle's registration is renewed.
- 27 (c) Following revocation of a sponsor's sponsorship status, the department may not issue replacements
 28 or duplicates of generic specialty license plates affiliated with that sponsor."
 29

30 **Section 17.** Section 61-3-535, MCA, is amended to read:

1 **"61-3-535. Motor vehicle registration renewal -- reminder notice and renewal by mail.** (1) The
 2 owner of a motor vehicle subject to renewal of registration under 61-3-312 may renew the registration of a motor
 3 vehicle by mail or by electronic methods when the value, age, length, weight, or other criteria used to determine
 4 the tax or fee for a particular type of motor vehicle are available to the department by electronic means.

5 (2) Any mail renewal procedure developed by the department ~~must~~ may:

6 (a) include a procedure to facilitate automated handling of mail renewal, including issuance of
 7 replacement plates when required by statute;

8 (b) include a procedure to verify compliance with 61-6-301 using the system provided in 61-6-157; and

9 (c) provide for a ~~written~~ reminder notice ~~by mail~~ to the owner of a motor vehicle of the requirement to
 10 renew the vehicle's registration."

11

12 **Section 18.** Section 61-4-203, MCA, is amended to read:

13 **"61-4-203. Administration.** The department shall supervise and regulate all persons required by this
 14 part to be licensed. In the supervision and regulation thereof the department may:

15 (1) make investigations it considers necessary; and

16 (2) conduct hearings and compel attendance of witnesses at the hearings pursuant to the Montana
 17 Administrative Procedure Act; ~~and~~

18 ~~— (3) prescribe rules it determines necessary to carry out the provisions of this part."~~

19

20 **Section 19.** Section 61-5-111, MCA, is amended to read:

21 **"61-5-111. Contents of driver's license, renewal, license expirations, grace period, and fees for**
 22 **licenses, permits, and endorsements -- notice of expiration.**(1) (a) The department may appoint county
 23 treasurers and other qualified officers to act as its agents for the sale of driver's license receipts. ~~The department~~
 24 ~~shall adopt necessary rules governing sales.~~ In areas in which the department provides driver licensing services
 25 3 days or more a week, the department is responsible for sale of receipts and may appoint an agent to sell
 26 receipts.

27 (b) The department may enter into an authorized agent agreement with the county treasurer of any
 28 county in which the department no longer maintains a driver examination station for the purpose of providing
 29 driver's license renewal services.

30 (2) (a) The department, upon receipt of payment of the fees specified in this section, shall issue a driver's

1 license to each qualifying applicant. The license must contain:

2 (i) a full-face photograph of the licensee in the size and form prescribed by the department;

3 (ii) a distinguishing number issued to the licensee;

4 (iii) the full legal name, date of birth, and Montana residence address unless the licensee requests use
 5 of the mailing address, and except the Montana residence address must be used for a REAL ID-compliant driver's
 6 license unless authorized by department rule;

7 (iv) a brief description of the licensee;

8 ~~(iv)~~(v) either the licensee's customary manual signature or a reproduction of the licensee's customary
 9 manual signature; and

10 ~~(v)~~(vi) if the applicant qualifies under subsection (7), indication of the applicant's status as a veteran.

11 (b) The department may not use the licensee's social security number as the distinguishing number. A
 12 license is not valid until it is signed by the licensee.

13 (3) (a) When a person applies for renewal of a driver's license, the department shall conduct a records
 14 check in accordance with 61-5-110(1) to determine the applicant's eligibility status and shall test the applicant's
 15 eyesight. The department may also require the applicant to submit to a knowledge and road or skills test if:

16 (i) the renewal applicant has a physical or mental disability, limitation, or condition that impairs, or may
 17 impair, the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle
 18 on the highway; and

19 (ii) the expired or expiring license does not include adaptive equipment or operational restrictions
 20 appropriate to the applicant's functional abilities; or

21 (iii) the applicant wants to remove or modify the restrictions stated on the expired or expiring license.

22 (b) In the case of a commercial driver's license, the department shall, if the information was not provided
 23 in a prior licensing cycle, require the renewal applicant to provide the name of each jurisdiction in which the
 24 applicant was previously licensed to drive any type of motor vehicle during the 10-year period immediately
 25 preceding the date of the renewal application and may also require that the applicant successfully complete a
 26 written examination as required by federal regulations.

27 (c) A person is considered to have applied for renewal of a Montana driver's license if the application
 28 is made within 6 months before or 3 months after the expiration of the person's license. Except as provided in
 29 subsection (3)(d), a person seeking to renew a driver's license shall appear in person at a Montana driver's
 30 examination station.

1 (d) (i) Except as provided in subsections (3)(d)(iii) through (3)(d)(vi), a person may renew a driver's
2 license by mail or online.

3 (ii) An applicant who renews a driver's license by mail or online shall ~~submit to the department an~~
4 ~~approved vision examination and a medical evaluation from a licensed physician, licensed physician assistant,~~
5 ~~or advanced practice registered nurse, as defined in 37-8-102, in addition to the fees required for renewal~~ certify
6 under penalty of false swearing that the applicant meets the department's vision and medical requirements to hold
7 a Montana driver's license.

8 (iii) If the department does not have a digitized photograph and signature record of the renewal applicant
9 from the expiring license, then the renewal applicant shall apply in person.

10 (iv) Except as provided in subsections (4)(b) and (4)(c), the term of a license renewed by mail or online
11 is 8 years.

12 (v) The department may not renew a license by mail or online if:

13 (A) the records check conducted in accordance with 61-5-110(1) shows an ineligible license status for
14 the applicant;

15 (B) the applicant holds a commercial driver's license with a hazardous materials endorsement, the
16 retention of which requires additional testing and a security threat assessment under 49 CFR, part 1572;

17 (C) the applicant seeks a change of address, change of date of birth, or a name change; or

18 (D) the applicant's license:

19 (I) has been expired for 3 months or longer; or

20 (II) except as provided in subsection (3)(e), was renewed by mail or online at the time of the applicant's
21 previous renewal.

22 (vi) If a license was issued to a foreign national whose presence in the United States is temporarily
23 authorized under federal law, the license may not be renewed by mail or online.

24 (e) The spouse or a dependent of a renewal applicant who is stationed outside Montana on active
25 military duty may renew the applicant's license by mail or online for one additional consecutive term following a
26 renewal by mail or online.

27 (f) The department shall send electronically or mail a driver's license renewal notice no earlier than 90
28 days and no later than 30 days prior to the expiration date of a driver's license. ~~Except as provided in 61-3-119~~
29 ~~and 61-5-115, the~~ The department shall ~~mail~~ send the notice to the Montana mailing address ~~shown on the~~
30 ~~driver's license~~ or use an authorized method of electronic delivery.

1 (4) (a) Except as provided in subsections (4)(b) through (4)(e), a license expires on the anniversary of
2 the licensee's birthday 8 years or less after the date of issue or on the licensee's 75th birthday, whichever occurs
3 first.

4 (b) A license issued to a person who is 75 years of age or older expires on the anniversary of the
5 licensee's birthday 4 years or less after the date of issue.

6 (c) A license issued to a person who is under 21 years of age expires on the licensee's 21st birthday.

7 (d) (i) Except as provided in subsection (4)(d)(ii), a commercial driver's license expires on the anniversary
8 of the licensee's birthday 5 4 years or less after the date of issue.

9 (ii) When a person obtains a Montana commercial driver's license with a hazardous materials
10 endorsement after surrendering a comparable commercial driver's license with a hazardous materials
11 endorsement from another licensing jurisdiction, the license expires on the anniversary of the licensee's birthday
12 5 4 years or less after the date of the issue of the surrendered license if, as reported in the commercial driver's
13 license information system, a security threat assessment was performed on the person as a condition of issuance
14 of the surrendered license.

15 (e) A license issued to a person who is a foreign national whose presence in the United States is
16 temporarily authorized under federal law expires, as determined by the department, no later than the expiration
17 date of the official document issued to the person by the bureau of citizenship and immigration services of the
18 department of homeland security authorizing the person's presence in the United States.

19 ~~(f) The department may adopt rules to implement online driver's license renewal.~~

20 (5) When the department issues a driver's license to a person under 18 years of age, the license must
21 be clearly marked with a notation that conveys the restrictions imposed under 61-5-133.

22 (6) (a) Upon application for a driver's license or commercial driver's license and any combination of the
23 specified endorsements, the following fees must be paid:

24 (i) driver's license, except a commercial driver's license -- \$5 a year or fraction of a year;

25 (ii) motorcycle endorsement -- 50 cents a year or fraction of a year;

26 (iii) commercial driver's license:

27 (A) interstate -- \$10 a year or fraction of a year; or

28 (B) intrastate -- \$8.50 a year or fraction of a year.

29 (b) A renewal notice for either a driver's license or a commercial driver's license is 50 cents.

30 (7) (a) Upon receiving a request from a person whose status as a veteran has been verified by the

1 department of military affairs pursuant to 10-2-1301 and upon receiving the information and fees required in this
2 part, the department shall include the word "veteran" on the face of the license.

3 (b) After a person's status as a veteran is denoted on a driver's license, the department may not require
4 further documentation of that status from the holder of the license upon subsequent renewal or replacement.

5 (8) (a) Except as provided in subsection (8)(b), an applicant may request a replacement driver's license
6 online or by mail.

7 (b) If the department does not have a digitized photograph and signature record of the replacement
8 applicant, the replacement applicant shall apply in person.

9 (c) The term of the replacement license must be the term of the applicant's current driver's license.

10 (9) An applicant may request an expedited delivery service for a driver's license or identification card.
11 The department shall set a fee for expedited delivery based on the cost of providing this service. The fee for this
12 service must be deposited in the motor vehicle division administration account established in 61-3-112 and used
13 for the purposes of expediting delivery, including actual costs for delivery, personnel, and related technology."

14

15 **Section 20.** Section 61-5-112, MCA, is amended to read:

16 ~~"61-5-112. Types and classes of commercial driver's licenses -- classification -- rulemaking --~~
17 ~~reciprocity~~ **Reciprocity agreements.** (1) The department shall adopt rules that it considers necessary for the
18 safety and welfare of the traveling public governing the classification of commercial driver's licenses and related
19 endorsements and the examination of commercial driver's license applicants and renewal applicants. The rules
20 must:

21 ~~— (a) subject to the exceptions provided in this section, comport with the licensing standards and~~
22 ~~requirements of 49 CFR, part 383, the medical qualifications of 49 CFR, part 391, and the security threat~~
23 ~~assessment provisions of 49 CFR, part 1572;~~

24 ~~(b) allow for the issuance of a type 2 (intrastate only) commercial driver's license in accordance with~~
25 ~~medical qualification and visual acuity standards prescribed by the department;~~

26 ~~— (c) allow for the issuance of a type 2 commercial driver's license to a person who is 18 years of age or~~
27 ~~older;~~

28 ~~— (d) allow for issuance of a seasonal commercial driver's license based on standards established by the~~
29 ~~department for the waiver of the knowledge and road or skills test for a qualified person employed in farm-related~~
30 ~~service industries who has a good driving record and sufficient prior driving experience;~~

- 1 ~~———(e) prescribe the operational and seasonal restrictions for a seasonal commercial driver's license;~~
 2 ~~———(f) prescribe the requirements for the medical statement that must be submitted in order for a person to~~
 3 ~~be qualified for a type 2 commercial driver's license;~~
 4 ~~———(g) prescribe the minimum standards for certification of a third-party commercial driver testing program~~
 5 ~~and any test waiver under 61-5-118; and~~
 6 ~~———(h) allow for the issuance of a commercial learner's permit.~~
 7 ~~———(2) The department is authorized to enter into reciprocal agreements with adjacent states that would~~
 8 ~~allow certain drivers of vehicles transporting farm products, farm machinery, or farm supplies within 150 miles~~
 9 ~~of a farm to operate without a commercial driver's license because the vehicles are not considered commercial~~
 10 ~~motor vehicles as provided in 61-1-101(9)(b)(ii)."~~

11

12 **Section 21.** Section 61-5-118, MCA, is amended to read:

13 **"61-5-118. Third-party commercial driver testing program -- certification of testing programs and**
 14 **examiners -- rulemaking -- fees -- test waiver.** (1) The department may contract with and certify the following
 15 as a third-party commercial driver testing program to administer the approved commercial driver skills test to a
 16 Montana commercial driver's license applicant:

- 17 (a) any person, employer of commercial drivers, private driver training facility, or other private company;
 18 (b) a postsecondary institution as defined in 20-26-603;
 19 (c) a department, agency, or instrumentality of a local government of the state; or
 20 (d) a department, agency, or instrumentality of a tribal government of the state.

21 (2) A certified third-party driver testing program shall administer the same skills test as would otherwise
 22 be administered by the department.

23 ~~(3) The department shall adopt rules governing the certification, operation, and monitoring of third-party~~
 24 ~~testing programs. The rules must:~~

25 ~~———(a) substantially comply with the licensing standards and requirements in 49 CFR, part 383, and the state~~
 26 ~~compliance standards in 49 CFR, part 384, including:~~

- 27 ~~———(i) issuance of a commercial driver's license skills testing certificate to a certified program upon execution~~
 28 ~~of a third-party skills testing agreement;~~
 29 ~~———(ii) requiring that all third-party skills test examiners meet minimum qualifications, including passing~~
 30 ~~background checks paid for by the third-party testing program and successfully completing a formal skills test~~

1 ~~examiner training course;~~
 2 ~~———(iii) providing examiner test limitations, minimum testing standards, and refresher training requirements;~~
 3 ~~and~~
 4 ~~———(iv) requiring recordkeeping and a detailed audit program that includes overt and covert test monitoring~~
 5 ~~and onsite audits by state and federal personnel;~~
 6 ~~———(b) specifically address the requirements for certifying third-party commercial driver testing programs,~~
 7 ~~including place of business, appropriate bond and liability insurance, and facilities requirements; and~~
 8 ~~———(c) specify minimum technology requirements for recordkeeping, scheduling applicants for the skills test,~~
 9 ~~conducting the skills test, and electronically transferring skills test results to the department.~~

10 ~~(4)(3)~~ The department may decertify a third-party commercial driver testing program for failure to comply
 11 with the department rules or federal regulations.

12 ~~(5)(4)~~ The department may collect the following fees:

13 (a) a fee of \$5,000 to certify a third-party commercial driver testing program and a fee of \$2,500 for
 14 certification renewal;

15 (b) a fee of \$500 to certify each third-party commercial driver examiner and a fee of \$100 for certification
 16 renewal; and

17 (c) a fee of \$25 for each successfully completed skills test to be paid by the applicant.

18 ~~(6)(5)~~ (a) A commercial driver's license applicant who is tested under the third-party commercial driver
 19 testing program must have passed the knowledge test required by 61-5-110 and complied with commercial
 20 driver's license department rules and federal regulations and must possess a valid Montana commercial learner's
 21 permit ~~issued under 61-5-112.~~

22 (b) The road test or the skills test required by 61-5-110 may be waived by the department for a
 23 commercial driver's license applicant upon certification of the applicant's successful completion of the road test
 24 or the skills test by:

25 (i) a third-party commercial driver testing program certified under this section; or

26 (ii) a third-party commercial driver examiner from a jurisdiction that has a comparable third-party
 27 commercial driver testing program, as determined by the department."

28

29 **Section 22.** Section 61-5-123, MCA, is amended to read:

30 **"61-5-123. Waiver of skills test or knowledge test related to military commercial motor vehicles**

1 ~~experience --rulemaking.~~ (1) The department may waive the skills test, knowledge test, or both, required for
 2 a commercial driver's license if an applicant meets the conditions in subsection (2) and is:

- 3 (a) a veteran of the armed forces of the United States who was honorably discharged;
 4 (b) currently serving in the armed forces of the United States;
 5 (c) serving full-time in a reserve component, as defined in 37-1-138; or
 6 (d) honorably discharged from the reserve component after serving full-time in the reserve component.

7 (2) An applicant shall:

- 8 (a) certify that, during the 2-year period immediately prior to application, the applicant:
 9 (i) did not have more than one license except for a military license;
 10 (ii) did not have a license suspended, revoked, or canceled;
 11 (iii) was not convicted of a disqualifying offense as provided in 49 CFR 383.51(b);
 12 (iv) did not have more than one conviction for a serious traffic violation as provided in 49 CFR 383.51(c);

13 and

- 14 (v) did not have any conviction for a violation of military, state, or local law relating to motor vehicle traffic
 15 control other than a parking violation arising in connection with any traffic accident and has no record of an
 16 accident in which the applicant was at fault;

17 (b) provide evidence and certify that:

18 (i) the applicant passed a commercial knowledge test for a commercial motor vehicle for the class of
 19 motor vehicle for which the applicant is seeking a commercial driver's license given by the military;

20 ~~(i)(ii)~~ the military position in which the applicant served required regular operation over at least a 2-year
 21 period immediately prior to either discharge or application, as applicable, of a commercial motor vehicle
 22 representative of the class of motor vehicle for which the applicant is seeking a commercial driver's license; and

23 ~~(ii)(iii)~~ the applicant was exempted under 49 CFR 383.3(c) from the requirements of this part when
 24 operating a commercial motor vehicle in the military.

25 ~~(3) The department shall adopt rules necessary for the administration of this section."~~

26

27 **Section 23.** Section 61-5-209, MCA, is amended to read:

28 **"61-5-209. Surrender and return of license upon suspension or revocation.** When the department
 29 suspends or revokes a license, it shall require that the license be surrendered to ~~and be retained by~~ the
 30 department ~~except that at the end of the period of suspension, the surrendered license must be returned to the~~

1 licensee."

2

3 **Section 24.** Section 61-5-232, MCA, is amended to read:

4 **"61-5-232. Restricted-use driving permit -- conditions -- definitions.** (1) A person who, pursuant to
5 61-5-105(2), may not be issued a driver's license due to an ineligible status reported by another state to the
6 national driver register may petition the district court of the county in which the person resides for a restricted-use
7 driving permit for use only within the state of Montana if:

8 (a) the person has maintained continuous residence in Montana for at least 5 years and is not otherwise
9 ineligible for a license under 61-5-105;

10 (b) the person submits a certified driving record from the licensing agency of each state that has reported
11 the person's status as ineligible to the national driver register that shows that at least 5 years have elapsed from
12 the effective date of the most recent withdrawal of the person's driver's license or driving privileges by the other
13 state or states;

14 (c) for the 5-year period immediately preceding application for a restricted-use driving permit, the person
15 has not been convicted in any jurisdiction of a felony or misdemeanor offense;

16 (d) the person certifies that no traffic citations or alcohol-related or drug-related criminal charges are
17 currently pending against the person;

18 (e) the person certifies that a good faith effort was made to resolve the person's ineligible status through
19 the licensing agency of each state or states that reported the person's status as ineligible to the national driver
20 register, including the payment of any pending fees or fines; and

21 (f) the person provides any other information required by department rule.

22 ~~(2) The department may adopt rules to determine the process for issuance, withdrawal, and monitoring~~
23 ~~of a restricted-use driving permit. The department may issue a restricted-use driving permit only to a person who~~
24 ~~satisfies all of the requirements of this section as determined by a district court pursuant to subsection (1). A~~
25 ~~person who is issued a restricted-use driving permit may use it only for an essential driving purpose as defined~~
26 ~~by the department.~~

27 ~~(3)~~(2) For purposes of this section, the following definitions apply:

28 (a) "Most recent withdrawal" means the suspension, revocation, or denial of a driver's license or driving
29 privilege underlying a current ineligible status report made by another state's licensing agency to the national
30 driver register.

1 (b) "National driver register" means the registry established under 49 U.S.C. 30302.

2 (c) "Restricted-use driving permit" means a paper document authorizing a person to drive within this state
3 for essential driving purposes only and that is issued by the department to a person whose status on the national
4 driver register is reported as ineligible to operate a motor vehicle other than a commercial motor vehicle."

5

6 **Section 25.** Section 61-6-131, MCA, is amended to read:

7 **"61-6-131. When proof of financial responsibility required.** (1) Whenever the department under any
8 of the laws of this state revokes the license or privilege to drive of any person, the license must remain revoked
9 and may not be renewed and a license may not be issued to the person until permitted under the motor vehicle
10 laws of this state and not then unless and until the person maintains proof of financial responsibility restored until
11 otherwise eligible and until the person provides proof of insurance as required by 61-6-301 and 61-6-303.

12 ~~(2) If a person is not licensed, but by the final order or judgment is convicted of or forfeits any bail or~~
13 ~~collateral deposited to secure an appearance for trial for any offense requiring the revocation of a license, a~~
14 ~~license may not be issued to the person until the person gives and maintains proof of financial responsibility.~~

15 ~~——(3) Whenever the department revokes a nonresident's operating privilege by reason of a conviction or~~
16 ~~forfeiture of bail, the privilege remains revoked unless the person has previously given or immediately gives and~~
17 ~~maintains proof of financial responsibility.~~

18 (2) The department may not issue a probationary license to a person whose driver's license or privilege
19 to drive is revoked unless the department receives proof of financial responsibility by a certificate of insurance
20 as provided in 61-6-133 or 61-6-134 and the person is otherwise eligible for a probationary license."

21

22 **Section 26.** Section 61-6-157, MCA, is amended to read:

23 **"61-6-157. Creation of online motor vehicle liability insurance verification system.** (1) The
24 department, in cooperation with the commissioner of insurance, shall establish an accessible common
25 carrier-based motor vehicle insurance verification system to verify the compliance of a motor vehicle owner or
26 operator with motor vehicle liability policy requirements under 61-6-103, 61-6-301, and 61-6-302 and facilitate
27 or monitor proof of financial responsibility filings under 61-6-133 and 61-6-134.

28 (2) The department may contract with a private vendor or vendors to establish and maintain the system.

29 (3) The system must:

30 (a) send requests to insurers for verification of motor vehicle liability insurance using electronic services

1 established by the insurers, through the internet, world wide web, or a similar proprietary or common carrier
2 electronic system in compliance with the specifications and standards of the insurance industry committee on
3 motor vehicle administration and other applicable industry standards;

4 (b) include appropriate provisions to secure its data against unauthorized access and to maintain a
5 record of all requests and responses;

6 (c) be accessible, without fee, to authorized personnel of the department, the courts, law enforcement
7 personnel, county treasurers, and authorized agents under the provisions of 61-3-116;

8 (d) interface, wherever possible, with existing department and law enforcement systems;

9 (e) receive insurance data file transfers from insurers under specifications and standards set forth in
10 subsection (3)(a) to identify vehicles that are not covered by an insurance policy;

11 (f) provide a means by which low-volume insurers that are unable to deploy an online interface with the
12 system can report insurance policy data to the department or its designee for inclusion in the system;

13 (g) provide a means to track separately or distinguish motor vehicles that are subject to a certificate of
14 self-insurance under 61-6-143, ~~a surety or indemnity bond under 61-6-137 or 61-6-301, or a deposit of cash or~~
15 ~~securities under 61-6-138;~~

16 (h) be available 24 hours a day, 7 days a week, subject to reasonable allowances for scheduled
17 maintenance or temporary system failures, to verify the insurance status of any vehicle in a manner prescribed
18 by the department; and

19 (i) be used only for information-gathering and educational purposes until the completion of an appropriate
20 testing period of not less than 6 months.

21 (4) The provisions of Title 2, chapter 6, parts 10 and 11, do not apply to the information contained in the
22 verification system.

23 (5) Every insurer shall cooperate with the department in establishing and maintaining the system and
24 shall provide access to motor vehicle liability policy status information to verify liability coverage:

25 (a) for a vehicle insured by that company that is registered in this state; and

26 (b) if available, for a vehicle that is insured by that company or that is operated in this state and that is
27 the subject of an accident investigation regardless of where the vehicle is registered."

28

29 **Section 27.** Section 61-6-301, MCA, is amended to read:

30 **"61-6-301. Required motor vehicle insurance -- family member exclusion.** (1)(a) Except as provided

1 in subsection (1)(b), an owner of a motor vehicle that is registered and operated in Montana by the owner or with
 2 the owner's permission shall continuously provide insurance against loss resulting from liability imposed by law
 3 for bodily injury or death or damage to property suffered by any person caused by maintenance or use of a motor
 4 vehicle in an amount not less than that required by 61-6-103, or a certificate of self-insurance issued in
 5 accordance with 61-6-143.

6 (b) Notwithstanding the mandatory motor vehicle liability insurance protection provided for in subsection
 7 (1)(a), nothing in this part may be construed to prohibit the exclusion from insurance coverage of a named family
 8 member in a motor vehicle liability insurance policy.

9 ~~(2) A motor vehicle owner who prefers to post an indemnity bond with the department in lieu of obtaining
 10 a policy of liability insurance may do so. The bond must guarantee that any loss resulting from liability imposed
 11 by law for bodily injury, death, or damage to property suffered by any person caused by accident and arising out
 12 of the operation, maintenance, and use of the motor vehicle sought to be registered must be paid within 30 days
 13 after final judgment is entered establishing the liability. The indemnity bond must guarantee payment in the
 14 amount provided for insurance under subsection (1).~~

15 ~~(3) Any bond given in connection with this section is a continuing instrument and must cover the period
 16 for which the motor vehicle is to be registered and operated. The bond must be on a form approved by the
 17 commissioner of insurance and must be with a surety company authorized to do business in the state.~~

18 ~~(4)(2) It is unlawful for a person to operate a motor vehicle upon ways of this state open to the public as
 19 defined in 61-8-101 without a valid policy of liability insurance in effect in an amount not less than that required
 20 by 61-6-103 unless the person has been issued a certificate of self-insurance under 61-6-143, has posted an
 21 indemnity bond with the department as provided in this section, or is operating a vehicle exempt under 61-6-303."~~

22
 23 **Section 28.** Section 61-6-303, MCA, is amended to read:

24 **"61-6-303. Exempt vehicles.** The following vehicles and their drivers are exempt from the provisions
 25 of 61-6-301:

26 (1) a vehicle owned by the United States government or any state or political subdivision;

27 ~~(2) a vehicle for which cash, securities, or a bond has been deposited or filed with the department upon
 28 terms and conditions providing the same benefits available under a required motor vehicle liability insurance
 29 policy;~~

30 ~~———(3) a vehicle owned by a self-insurer certified as provided in 61-6-143;~~

1 ~~(4)~~(2) an implement of husbandry or special mobile equipment that is only incidentally operated on a
2 highway or property open to use by the public;

3 ~~(5)~~(3) a vehicle operated upon a highway only for the purpose of crossing the highway from one property
4 to another;

5 ~~(6)~~(4) a commercial vehicle registered or proportionally registered in this and any other jurisdiction if the
6 vehicle is covered by a motor vehicle liability insurance policy complying with the laws of another jurisdiction in
7 which it is registered;

8 ~~(7)~~(5) a motorcycle or quadricycle;

9 ~~(8)~~(6) a vehicle moved solely by human or animal power;

10 ~~(9)~~(7) a vehicle owned by a nonresident if it is currently registered in the owner's resident jurisdiction and
11 the owner is in compliance with the motor vehicle liability insurance requirements, if any, of that jurisdiction."
12

13 NEW SECTION. **Section 29. Permanent revocation of commercial driver's license -- felony**
14 **involving use of commercial motor vehicle for severe form of trafficking of persons.** (1) If the department
15 receives a conviction report that a person used a commercial motor vehicle in the commission of an offense under
16 45-5-702 or a similar law in another state or in the commission of a felony of a severe form of trafficking of
17 persons, the department shall revoke the person's commercial driver's license for life and may not reinstate the
18 commercial driver's license for any reason.

19 (2) For purposes of this section, "severe form of trafficking of persons" means:

20 (a) sex trafficking in which a commercial sexual activity is induced by force, fraud, or coercion;

21 (b) sex trafficking in which the person induced to perform commercial sexual activity has not attained 18
22 years of age; or

23 (c) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services
24 through the use of force, fraud, or coercion for the purpose of subjecting the person to involuntary servitude, debt
25 bondage, or slavery.
26

27 **Section 30.** Section 61-11-102, MCA, is amended to read:

28 **"61-11-102. Records to be kept by department.** (1) Except as provided in subsection (8), the
29 department shall create and maintain a central database of electronic files that includes an individual Montana
30 driving record for each person:

- 1 (a) who has been issued a Montana driver's license;
- 2 (b) who does not have a driver's license from, or active driving record in, another jurisdiction and for
3 whom the department receives a report of conviction of a traffic violation or an offense requiring suspension or
4 revocation of the person's driver's license; and
- 5 (c) whose driver's license or driving privileges have been suspended, revoked, canceled, or otherwise
6 withdrawn by the department.
- 7 (2) An individual Montana driving record maintained under this section must include:
- 8 (a) personal information obtained from the application for a driver's license or a report of conviction;
- 9 (b) the person's driver's license number, license type, status, endorsements, restrictions, issue and
10 expiration dates, and any suspensions, revocations, disqualifications, or cancellations that have been imposed
11 against the person;
- 12 (c) all convictions reported to the department for the person; and
- 13 (d) traffic accidents in which the person was involved, except that a record of involvement in a traffic
14 accident may not be entered on a licensee's record unless the licensee was convicted, as defined in 61-11-203,
15 for an act causally related to the accident.
- 16 (3) (a) The department shall create and maintain a CDLIS driver record for each person who has been
17 issued a Montana commercial driver's license or for whom a record of conviction, disqualification, or other
18 licensure action has been taken for violations of any state or local law relating to motor vehicle traffic regulation,
19 other than a parking violation, committed while operating a commercial motor vehicle.
- 20 (b) A CDLIS driver record maintained by the department must meet the requirements of 49 CFR 384.225.
- 21 (c) If the department receives notice that a person has been disqualified by the federal motor carrier
22 safety administration ~~as an imminent hazard under 49 CFR 383.52~~, the department shall record the
23 ~~disqualification~~ suspension or revocation on the CDLIS driver record.
- 24 (4) The department shall retain records created under this section for a period of time that meets or
25 exceeds the standards established under 49 CFR, part 384.
- 26 (5) The department is further authorized, upon receiving a record of the conviction in this state of a
27 nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, to forward, by
28 electronic or other means, a report of the conviction to the motor vehicle administrator in the state in which the
29 person is a resident or licensed.
- 30 (6) The department may place on a computer storage device the information contained on original

1 records or reproductions of original records made pursuant to this section. Signatures on records are not required
2 to be placed on a computer storage device.

3 (7) (a) Except as provided in subsection (7)(b), a reproduction of the information placed on a computer
4 storage device is an original of the record for all purposes and is admissible in evidence without further foundation
5 in all courts or administrative agencies when the department certifies the record.

6 (b) An order, record, or paper generated from the department's central database of electronic files of
7 individual Montana driving records may be certified electronically by the generating computer. The certification
8 must be a certification of the order, record, or paper as it appeared on a specific date.

9 (c) A court, an office of a clerk of court, or an attorney licensed to practice law in this state may receive
10 and use a computer-generated individual Montana driving record as evidence without further foundation when:

11 (i) the individual Montana driving record is electronically transmitted from the department's central
12 database of electronic individual Montana driving records to a department-authorized terminal device maintained
13 by the court, the office of the clerk of court, or the attorney; and

14 (ii) the judge, an officer of the court, or the attorney certifies that the record was not altered in any way.

15 (8) ~~(a)~~ Except as provided in subsection (4), the department may destroy any individual Montana driving
16 record maintained under this section if there are no suspensions or revocations on the record and there has been
17 no renewed credential in the immediately preceding 16 years.

18 ~~(b) The department shall adopt rules governing the destruction of records."~~

19

20 **Section 31.** Section 61-11-105, MCA, is amended to read:

21 **"61-11-105. Release of information -- fees.** (1) Subject to the limitations of this section, the department
22 shall, upon request, furnish a person the individual Montana driving record of a driver or licensee, containing the
23 following data:

24 (a) the driver's or licensee's name, driver's license number, and date of birth;

25 (b) driver's license status, including the license type and any endorsements, the license issue date,
26 license restrictions, any suspensions, revocations, or cancellations that have been imposed against the driver
27 or licensee, and the license expiration date;

28 (c) convictions of the driver or licensee; and

29 (d) traffic accidents in which the driver or licensee was involved.

30 (2) The department may not enter into any agreement to disclose or sell, in bulk, any data contained in

1 an individual Montana driving record unless the requester of the information provides the department with the
2 names, driver's license numbers, and dates of birth of the drivers or licensees from whose records a change in
3 license status or conviction activity is to be reported.

4 (3) (a) The department may not disclose personal information or highly restricted personal information
5 from an individual Montana driving record, except as permitted or required under 61-11-507, 61-11-508, or
6 61-11-509.

7 (b) The department may not disclose medical certification status, driver self-certification status, or
8 medical certificate information from a CDLIS driver record as part of an individual Montana driving record except
9 as expressly authorized under 49 CFR 384.225.

10 (c) The department may not disclose an individual's social security number from any driver record,
11 except:

12 (i) for the purposes of Title 49, subtitle VI, U.S.C.;

13 (ii) to the department of public health and human services for use in administering Title IV-D of the Social
14 Security Act; or

15 (iii) as specifically authorized by law.

16 (4) Information relating to a traffic accident that did not involve a conviction, as defined in 61-11-203, may
17 not be released by the department unless the release is requested or approved by a party involved in the accident
18 or is required by court order or a duly executed subpoena.

19 (5) (a) Subject to the requirements of subsection (6) and except as provided in subsection (5)(b), a fee
20 of \$4 must be paid for each individual Montana driving record requested. A fee of \$10 must be paid if a certified
21 Montana record, as provided in 61-11-102(7), is requested. A fee of 6 cents must be paid for each individual
22 Montana driving record that is searched by the department to report to a requester a change in license status or
23 conviction activity from one or more individual Montana driving records.

24 (b) An individual Montana driving record must be provided without charge to any criminal justice agency,
25 as defined in 44-5-103, or other state or federal agency.

26 (6) In addition to the fees required in 61-11-510(3) and subsection (5) of this section, an individual
27 Montana driving record or any report compiled from one or more individual Montana driving records that are
28 electronically transmitted to a requester by an authorized agent as provided in 61-3-116 or through a point of
29 entry for electronic government services are subject to the convenience fee provided for in 2-17-1103 or
30 61-3-116.

1 (7) The department may require a requester, other than a federal, state, or local government agency,
2 seeking one or more individual Montana driving records or any data otherwise contained in one or more individual
3 Montana driving records in electronic format to use an authorized agent as provided in 61-3-116 or a point of
4 entry for electronic government services to obtain the record or data."
5

6 **Section 32.** Section 61-11-203, MCA, is amended to read:

7 **"61-11-203. Definitions -- habitual traffic offenders -- point schedule.** (1) As used in this part, the
8 following definitions apply:

9 (a) "Conviction" has the meaning provided in 61-5-213.

10 (b) "Habitual traffic offender" means any person who within a 3-year period accumulates 30 or more
11 conviction points according to the schedule specified in subsection (2).

12 (c) "License" means any type of license or permit to operate a motor vehicle.

13 (d) "Moving violation" means a violation of a traffic regulation of this state or another jurisdiction by a
14 person while operating a motor vehicle or in actual physical control of a motor vehicle upon a highway while the
15 vehicle is moving.

16 (e) "Traffic regulation" includes any provision governing motor vehicle operation, equipment, safety, or
17 driver licensing. A traffic regulation does not include provisions governing vehicle registration or local parking.

18 (2) Subject to subsection (3), the point schedule used to determine whether an individual is a habitual
19 traffic offender is as follows:

20 (a) deliberate homicide resulting from the operation of a motor vehicle, 15 points;

21 (b) mitigated deliberate homicide, negligent homicide resulting from operation of a motor vehicle, or
22 negligent vehicular assault, 12 points;

23 (c) any offense punishable as a felony under the motor vehicle laws of Montana or any felony in the
24 commission of which a motor vehicle is used, 12 points;

25 (d) driving while under the influence of intoxicating liquor or narcotics or drugs of any kind ~~or operation~~
26 ~~of a motor vehicle by a person with alcohol concentration of 0.08 or more~~, 10 points;

27 (e) operating a motor vehicle while the license to do so has been suspended or revoked, 6 points;

28 (f) failure of the driver of a motor vehicle involved in an accident resulting in death or injury to any person
29 to stop at the scene of the accident and give the required information and assistance, ~~as described in 61-7-105,~~
30 8 points;

1 (g) ~~willful~~ failure of the driver involved in an accident resulting in property damage of \$250 to stop at the
 2 scene of the accident and give the required information or failure to otherwise report an accident in violation of
 3 the law, 4 points;

4 (h) reckless driving, 5 points;

5 (i) illegal drag racing or engaging in a speed contest in violation of the law, 5 points;

6 (j) any of the mandatory motor vehicle liability protection offenses ~~under 61-6-301 and 61-6-302~~, 5 points;

7 (k) operating a motor vehicle without a license to do so, 2 points. However, this subsection (2)(k) does
 8 not apply to operating a motor vehicle within a period of 180 days from the date the license expired.

9 (l) speeding, except as provided in 61-8-725(2)(a), 3 points;

10 (m) all other moving violations, 2 points.

11 (3) There may not be multiple application of cumulative points when two or more charges are filed
 12 involving a single occurrence. If there are two or more convictions involving a single occurrence, only the number
 13 of points for the specific conviction carrying the highest points is chargeable against that defendant."
 14

15 **Section 33.** Section 61-11-503, MCA, is amended to read:

16 **"61-11-503. Definitions.** As used in this part, the following definitions apply:

17 (1) "Disclose" means to engage in any practice or conduct that makes available or known, by means of
 18 any communication to another person, organization, or entity, personal information contained in a motor vehicle
 19 record.

20 (2) "Express consent" means an affirmative authorization given in writing by a person to whom personal
 21 information pertains that specifically allows the department to release personal information to another person,
 22 organization, or entity. Consent may be conveyed electronically if the conveyance includes an electronic
 23 signature, as defined in 30-18-102, from the person to whom the personal information pertains.

24 (3) "Highly restricted personal information" means an individual's photograph or image, social security
 25 number, or medical or disability information.

26 (4) "Motor vehicle record" means any record maintained by the department that pertains to a driver's
 27 license, commercial driver's license, driving permit, ~~motor vehicle title, motor vehicle registration, or identification~~
 28 ~~card issued by the department~~ identification card, or title or registration for a motor vehicle, trailer, semitrailer, pole
 29 trailer, camper, motorboat, personal watercraft, sailboat, snowmobile, or off-highway vehicle.

30 (5) "Person" does not mean a state agency or local government entity.

1 (6) (a) "Personal information" means information that identifies a person, including a person's name,
 2 address, telephone number, social security number, driver's license or identification number, date of birth,
 3 photograph or image, and medical or disability information.

4 (b) The term does not include the five-digit zip code of an address, information on vehicular accidents,
 5 driving or equipment-related violations, a person's driver's license or vehicle registration status, or a vehicle's
 6 insurance status.

7 (7) "Record" includes all books, papers, photographs, photostats, cards, film, tapes, recordings,
 8 electronic data, printouts, or other documentary materials, regardless of physical form or characteristics."
 9

10 **Section 34.** Section 61-12-502, MCA, is amended to read:

11 **"61-12-502. Rules for identification cards -- veteran Veteran designation.** ~~(1) The department shall~~
 12 ~~formulate and adopt rules governing the issuance and cancellation of identification cards that comport with the~~
 13 ~~proof of identity, residence, and authorized presence standards for a driver's license issued under Title 61,~~
 14 ~~chapter 5.~~

15 ~~——(2)~~ The department shall include the word "veteran" on the face of an identification card if the
 16 requirements of 61-5-111(7) are met by the person applying for the identification card."
 17

18 **Section 35.** Section 61-13-103, MCA, is amended to read:

19 **"61-13-103. Seatbelt use required -- exceptions.** (1) A driver may not operate a motor vehicle upon
 20 a highway of the state of Montana unless each occupant of a designated seating position is wearing a properly
 21 adjusted and fastened seatbelt or, if 61-9-420 applies, is properly restrained in a child safety restraint.

22 (2) The provisions of this section do not apply to:

23 (a) an occupant of a motor vehicle who possesses a written statement from a licensed physician,
 24 licensed physician assistant, or advanced practice registered nurse, as defined in 37-8-102, that the occupant
 25 is unable to wear a seatbelt for medical reasons;

26 (b) an occupant of a motor vehicle in which all seatbelts are being used by other occupants;

27 (c) an operator of a motorcycle or a motor-driven cycle;

28 (d) an occupant of a vehicle licensed as special mobile equipment; or

29 (e) an occupant who makes frequent stops with a motor vehicle during official job duties and who may
 30 be exempted by the department.

1 ~~(3) The department may adopt rules to implement subsection (2)(e).~~

2 ~~(4)(3)~~ The department or its agent may not require a driver who may be in violation of this section to stop
3 except:

4 (a) upon reasonable cause to believe that the driver has violated another traffic regulation or that the
5 driver's vehicle is unsafe or not equipped as required by law; or

6 (b) if a person in the vehicle who is under 6 years of age and weighs less than 60 pounds is not properly
7 restrained under 61-9-420 or this section."

8
9 **NEW SECTION. Section 36. Photograph exemption for identification card issuance.** (1) The

10 department may issue an identification card without a photograph to an applicant who objects to having the
11 applicant's photograph taken because of religious reasons and who receives an exemption from the department.

12 (2) The department may take a photograph of the applicant and run the photograph through the facial
13 recognition process to prevent fraud, but the photograph may not be displayed on the identification card.

14 (3) The department may issue a photograph-exempt identification only to a citizen or national of the
15 United States.

16 (4) An applicant shall apply for a photograph-exempt identification card in person.

17 (5) A photograph-exempt identification card is not a REAL ID-compliant identification card under
18 61-5-129.

19
20 **NEW SECTION. Section 37. Repealer.** The following sections of the Montana Code Annotated are

21 repealed:

22 61-3-315. Rules -- early renewal.

23 61-3-506. Rules.

24 61-4-532. Rulemaking.

25 61-5-125. Authority of department -- rulemaking authority.

26 61-6-132. Alternate methods of giving proof.

27 61-6-137. Bond as proof of responsibility.

28 61-6-138. Money or securities as proof of responsibility.

29 61-6-140. Substitution of proof of responsibility.

30 61-6-142. Duration of proof -- when money or securities may be canceled or returned.

1 61-11-516. Rulemaking.

2

3 **NEW SECTION. Section 38. Codification instruction.** (1) [Section 1] is intended to be codified as
4 an integral part of Title 61, chapter 1, part 1, and the provisions of Title 61, chapter 1, part 1, apply to [section 1].

5 (2) [Section 29] is intended to be codified as an integral part of Title 61, chapter 8, part 8, and the
6 provisions of Title 61, chapter 8, part 8, apply to [section 29].

7 (3) [Section 36] is intended to be codified as an integral part of Title 61, chapter 12, and the provisions
8 of Title 61, chapter 12, apply to [section 36].

9

10 **NEW SECTION. Section 39. Effective dates.** (1) Except as provided in subsection (2), [this act] is
11 effective January 1, 2020.

12 (2) [Section 19(4)(d)] is effective October 1, 2020.

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